



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**AC THAYER LLC
77-79 UNION ST
EASTHAMPTON, MA 01027**

**Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: TE-27 ("Parcel ID")
Property Address: 77-79 UNION STREET ("Property")**

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire a **Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$810.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division

Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME: AC Thayer, LLC

MAILING ADDRESS: 77-79 Union Street, Easthampton, MA 01027

CITY/TOWN: Easthampton, MA

F.A. PROJECT NO.: N/A

PROJECT FILE #: 608577

PROPERTY LOCATION: 77-79 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION: 53-2

PROPERTY DESCRIPTION: Single parcel of Downtown Business District (DB) zoned land which contains approximately 6,970 square feet or 0.16 acres which, according to Assessor's records, is improved a one and 2.5-story, mixed -use (single-story commercial and 2.5-story residential) building which was constructed in 1940 with approximately 5,136 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

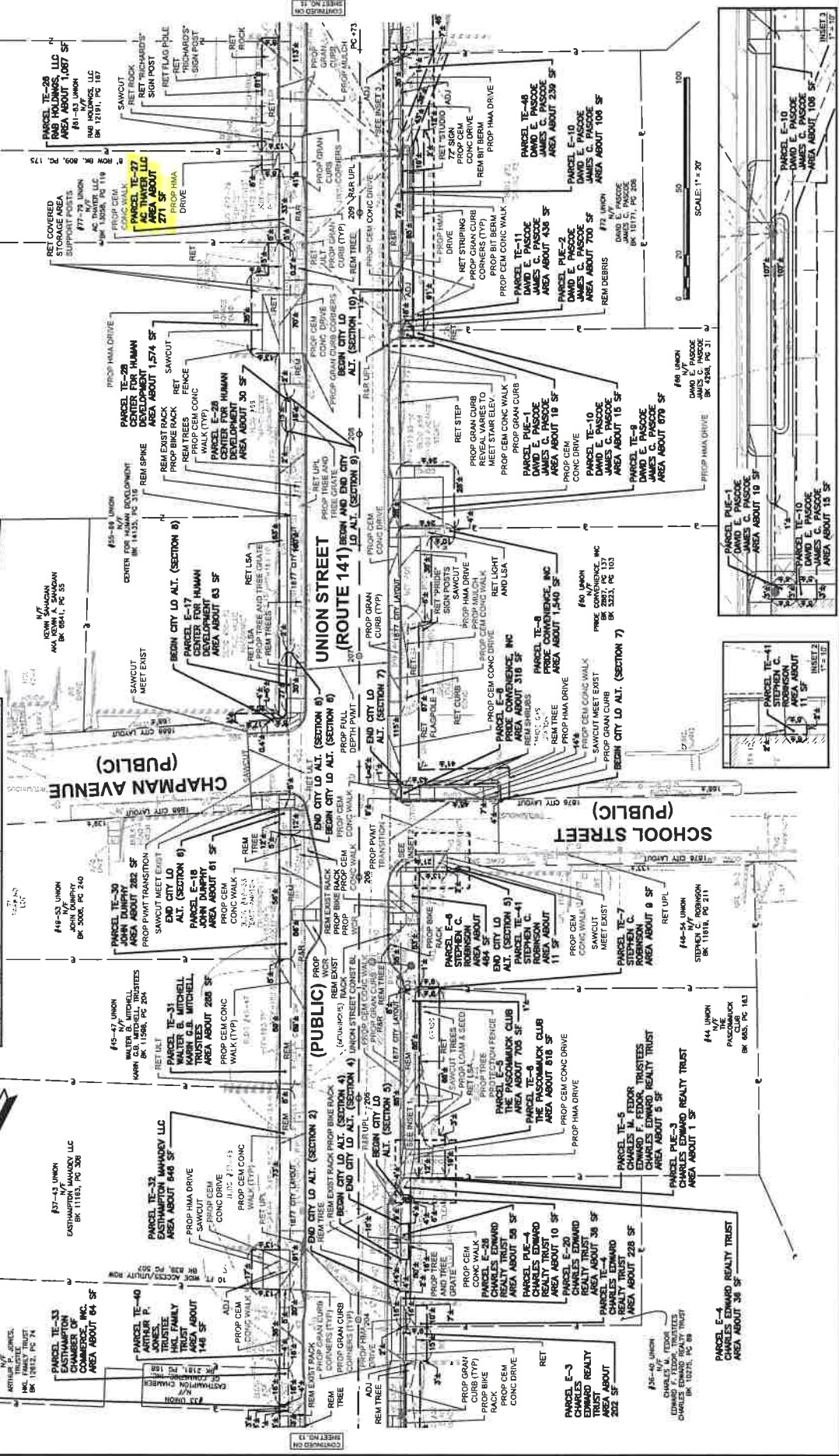
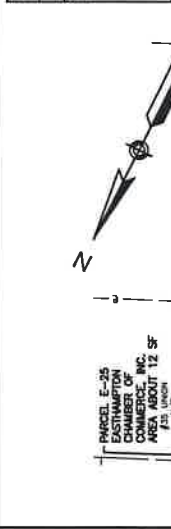
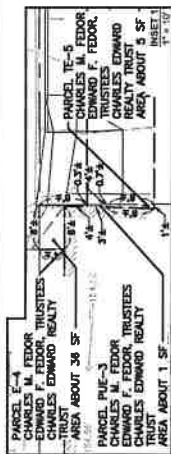
INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-2	271 SF	TE-27	IRREGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET. THE EASEMENT EXTENDS ALONG THE ENTIRETY OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 5 TO 8' +/- FOR A LENGTH OF APPROXIMATELY 33' +/- EXTENDING TO A DEPTH OF APPROXIMATELY 13' +/- FOR A LENGTH OF APPROXIMATELY 8' +/- ALONG THE SOUTHWESTERLY CORNER OF THE PARCEL. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

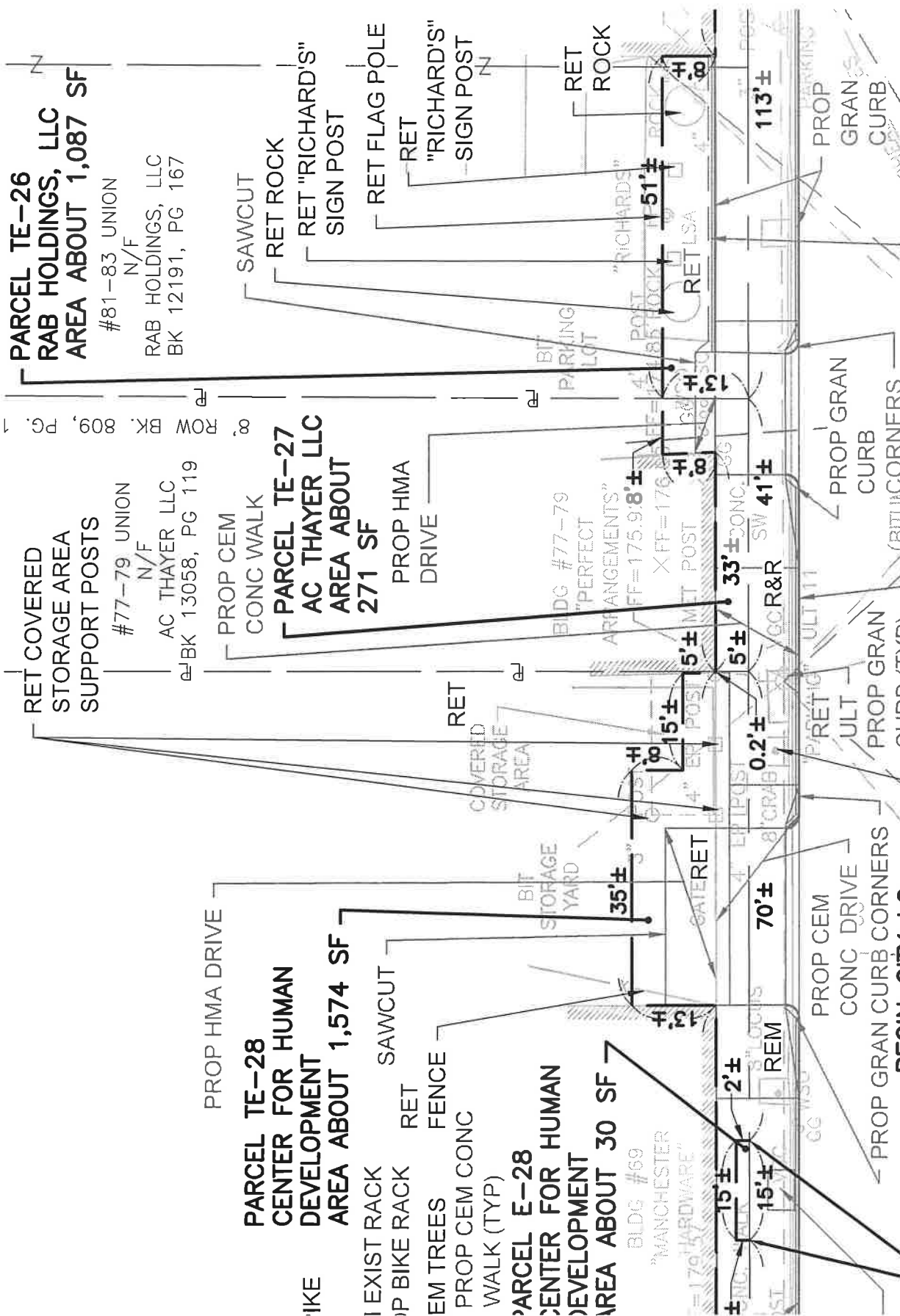
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$810**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$810**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

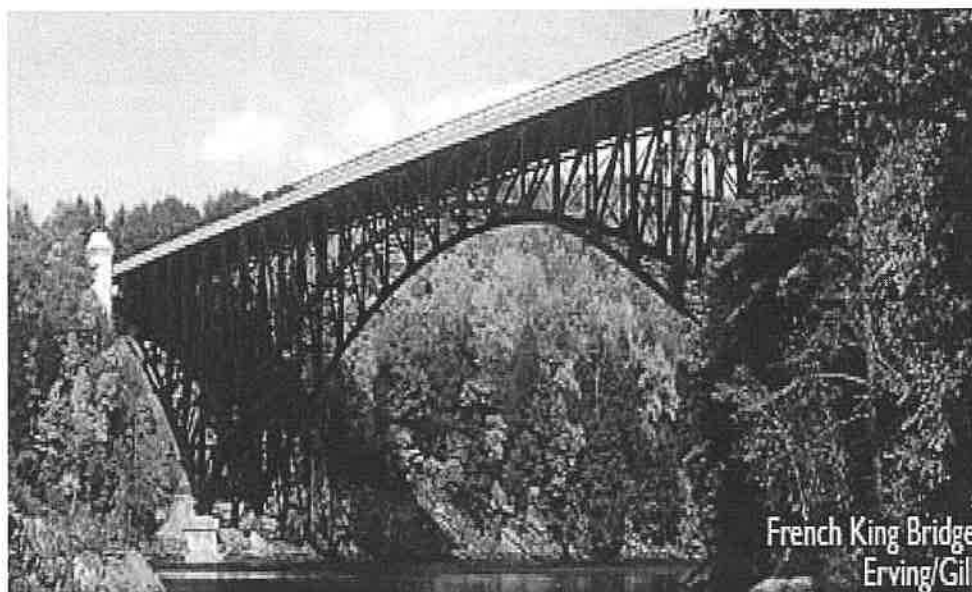
EASTHAMPTON UNION STREET		
DATE	BY	PROJECT FILE NO.
12/14/17	JMW	008577
PRELIMINARY RIGHT OF WAY PROPERTY PLAN SHEET 2 OF 4		



SCALE: 1" = 20'



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



French King Bridge
Erving/Gill

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

ANUP K. SANGAR and RITU SANGAR
29 UNION ST
EASTHAMPTON, MA 01027

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: TE-35 ("Parcel ID")
Property Address: 29 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire a **Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$230.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

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Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Anup K. Sangar and Ritu Sangar

MAILING ADDRESS:

29 Union Street, Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

29 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

52-60

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 3,049 square feet or 0.07 acres which, according to Assessor's records, is improved a single-story commercial (restaurant) building which was constructed in 1930 with approximately 2,055 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
52-60	76 SF	TE-35	RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET. THE EASEMENT EXTENDS ALONG THE ENTIRETY OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 3' TO 4' +/- AND A LENGTH OF APPROXIMATELY 19' TO 21' +/- ALONG UNION STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

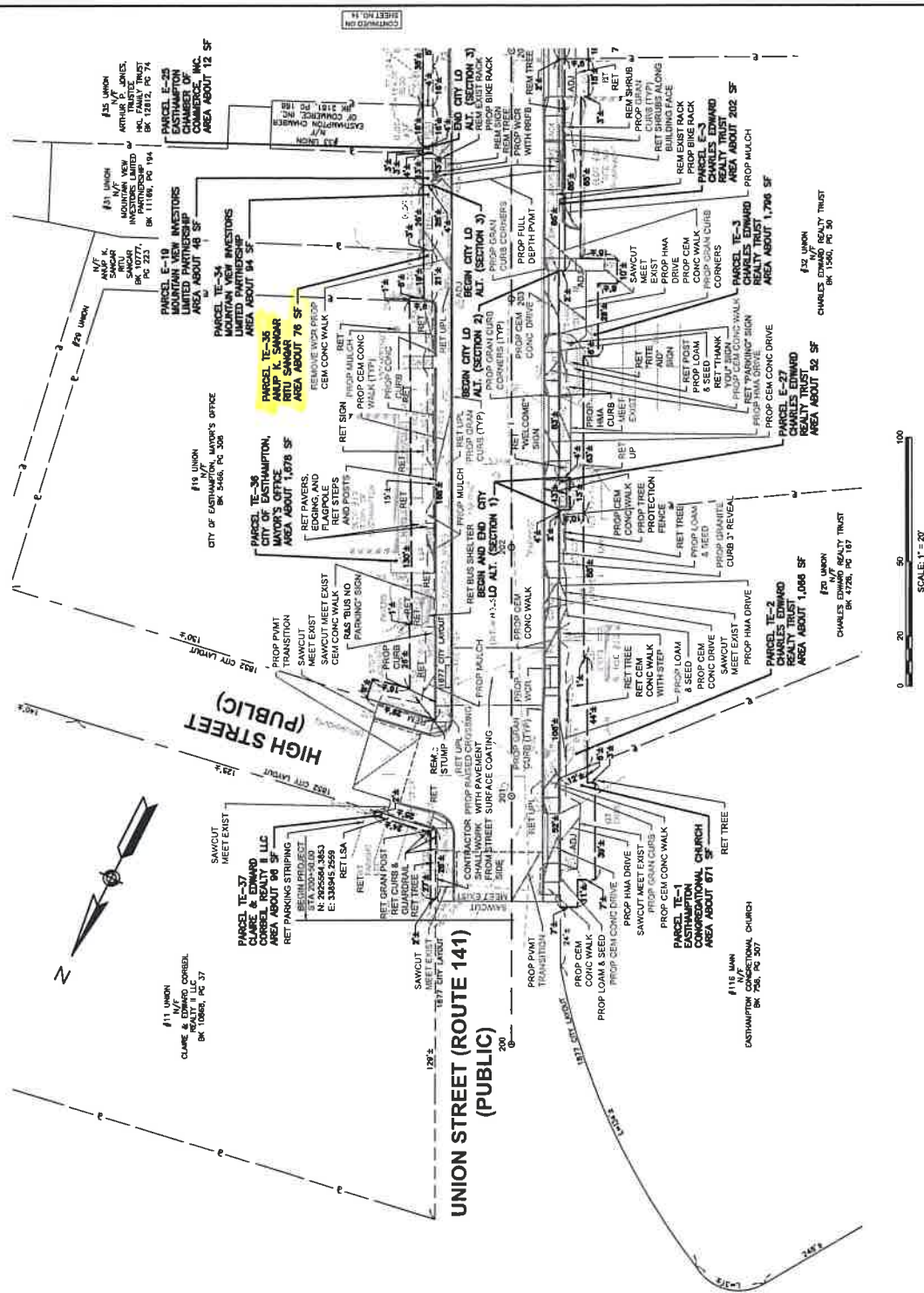
- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$230**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$230**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

DATE	PTD AND PROJ NO.	SPLIT NO.	TOTAL SHEETS
MA	-	13	16

PROJECT FILE NO. 50577

**EASTHAMPTON
UNION STREET**

PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 1 OF 4



SCALE: 1" = 20'

PARCEL E-19
MOUNTAIN VIEW INVESTORS
LIMITED PARTNERSHIP
AREA ABOUT 48 SF

PARCEL TE-34
MOUNTAIN VIEW INVESTORS
LIMITED PARTNERSHIP
AREA ABOUT 94 SF

PARCEL TE-35
ANUP K. SANGAR
RITU SANGAR
AREA ABOUT 76 SF

PARCEL TE-36
CITY OF EASTHAMPTON,
MAYOR'S OFFICE
AREA ABOUT 1,678 SF

PARCEL E-23
EASTHAMPTON
CHAMBER OF
COMMERCE, INC.
AREA ABOUT 12 SF

END CITY LO
ALT. (SECTION 3)
REM EXIST RACK
PROP BIKE RACK
REM SIGN

BEGIN CITY LO
ALT. (SECTION 3)
PROP GRAN

BEGIN CITY LO
ALT. (SECTION 2)
PROP GRAN CURB
CORNERS (TYP)

BEGIN AND END CITY
O ALT. (SECTION 1)

#19 UNION
N/F
CITY OF EASTHAMPTON, MAYOR'S OFFICE
BK 5466, PG 308

RET PAVERS,
EDGING, AND
FLAGPOLE
RET STEPS
AND POSTS

REMOVE WCR PROP
CEM CONC WALK

RET SIGN
PROP MULCH
PROP CEM CONC
WALK (TYP)

BLDG #19
TOWN OF
EASTHAMPTON

30" CHESTNUT
CURB

RET MARBLE
CONC. CURB

RET MARBLE
CONC. CURB

RET MARBLE
CONC. CURB

RET MARBLE
CONC. CURB

RET MARBLE
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RET MARBLE
CONC. CURB

RET MARBLE
CONC. CURB

VERHEAD WIRES

PROP MULCH

PROP GRAN

PROP GRAN CURB

PROP BIKE RACK

REM EXIST RACK

REM SIGN

PROP GRAN

PROP GRAN CURB

PROP GRAN CURB

PROP GRAN CURB

PROP GRAN CURB

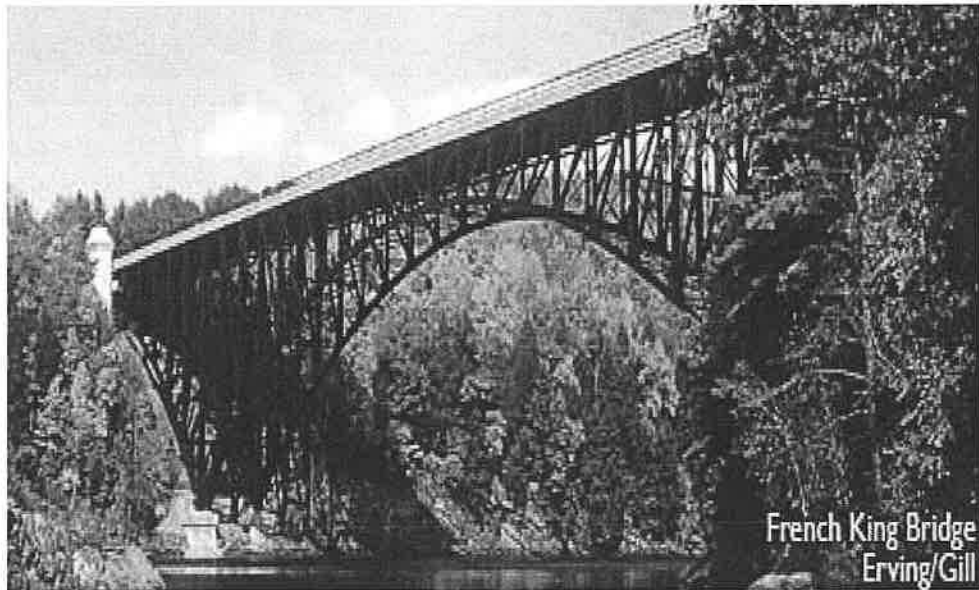
PROP GRAN CURB

PROP GRAN CURB

PROP GRAN CURB

PROP GRAN CURB

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

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The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

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How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
All Owners of Records must sign

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

BERNARD P. GAWLE and JULIA A. GAWLE
110 UNION ST
EASTHAMPTON, MA 01027

Re: Union Street Reconstruction Project: Project #608577 (“Project”)
Parcel ID: TE-14 (“Parcel ID”)
Property Address: 90-106 UNION STREET (“Property”)

Dear Resident:

As you are aware, the City of Easthampton (“City”) is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City’s Written Offer to acquire an **Temporary Construction Easement (5 Years)** (collectively “Easement”) over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the “Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans” and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer’s Office and on the City’s website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City’s approved Offer of Fair Compensation for the Easement is \$7,530.00 (“Offer”).

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser (“Appraisal”). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Bernard P. Gawle and Julia A. Gawle

MAILING ADDRESS:

110 Union Street, Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

90-106 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-23

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 78,408 square feet or 1.8 acres which, according to Assessor's records, is improved with a two, single-story, retail buildings containing a multi-tenanted commercial plaza which were constructed in 1963 and 2012 with a total of approximately 19,178 square feet of gross building area; 17,882 square feet and 1,296 square feet, respectively.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-23	3,346 SF	TE-14	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET, THE NORTHERLY SIDE OF PAYSONE AVENUE, AND THE SOUTHERLY SIDE OF THE MANHAN RAIL TRAIL ALONG THE UNION STREET FRONTAGE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 9' +/- AND A LENGTH OF APPROXIMATELY 330' +/- ALONG UNION STREET. THE EASEMENT AREA EXTENDS AT THE NORTHEASTERLY AND SOUTHEASTERLY CORNERS OF THE PARCEL TO A DEPTH OF APPROXIMATELY 15' TO 19' +/-.
			INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

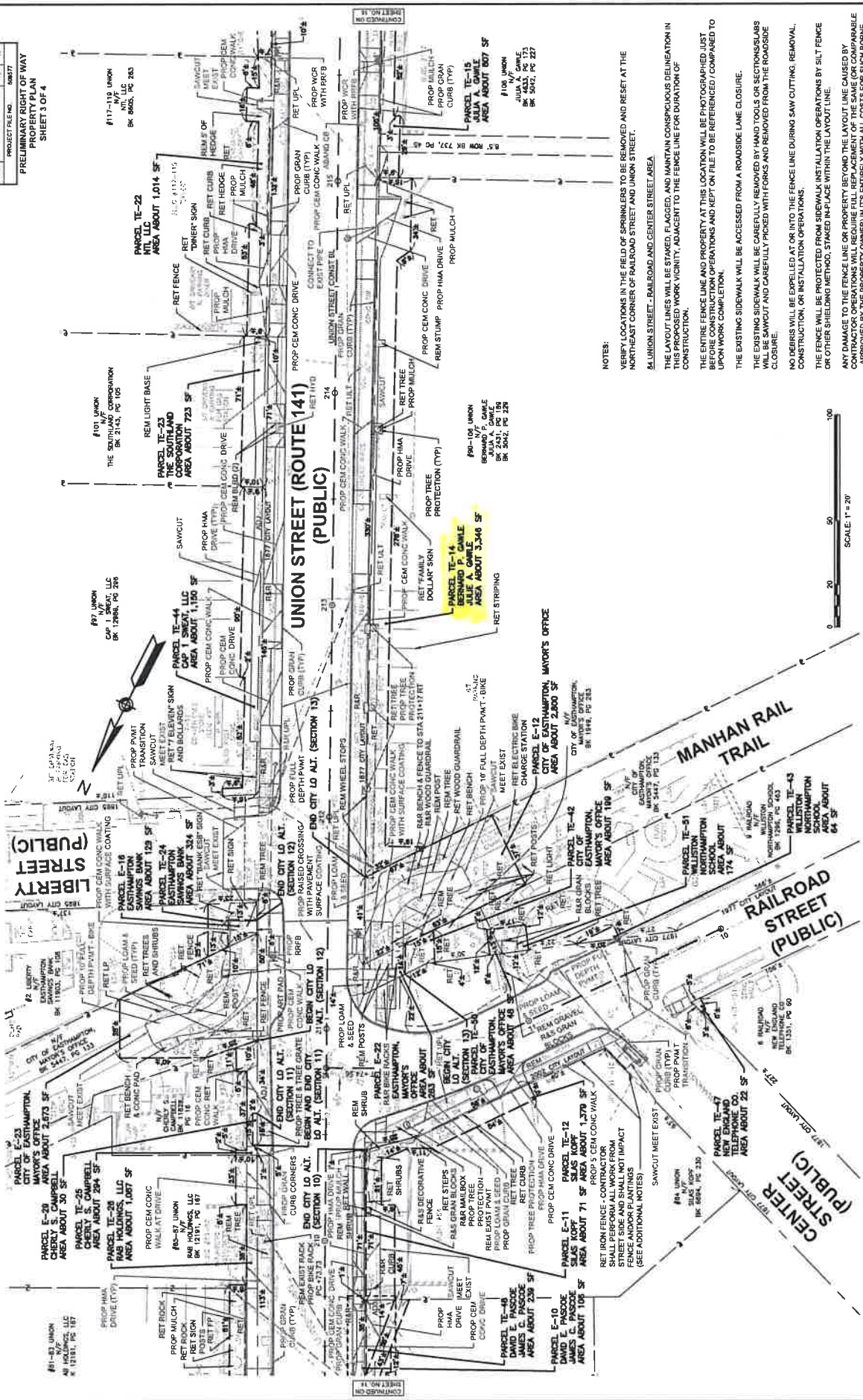
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$7,530**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$7,530**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

EASTHAMPTON
UNION STREET

DATE	REV	BY	CHKD	DATE
10/1/21	1	JWP	PROJ	10/1/21
10/1/21	2	JWP	PROJ	10/1/21

PROJECT FILE NO. 060777
SHEET 3 OF 4



NOTES:

VERIFY LOCATIONS IN THE FIELD OF SPRINKLERS TO BE REMOVED AND RESET AT THE NORTHEAST CORNER OF RAILROAD STREET AND UNION STREET.

ALL UNION STREET - RAILROAD AND CENTER STREET AREA

THE LAYOUT LINES WILL BE STAKED, FLAGGED, AND MAINTAIN CONSPICUOUS DELINEATION IN THE FIELD OF WORK VICINITY, ADJACENT TO THE FENCE LINE FOR DURATION OF CONSTRUCTION.

THE ENTIRE FENCE LINE AND PROPERTY AT THIS LOCATION WILL BE PHOTOGRAPHED JUST PRIOR TO CONSTRUCTION AND OPERATIONS KEPT ON FILE TO BE REFERENCED/COMPARED TO UPON WORK COMPLETION.

THE EXISTING SIDEWALK WILL BE ACCESSIBLE FROM A ROADSIDE LANE CLOSURE.

THE EXISTING SIDEWALK WILL BE CAREFULLY REMOVED BY HAND TOOLS OR SECTIONS SLABS WILL BE SAWCUT AND CAREFULLY PICKED WITH FORKS AND REMOVED FROM THE ROADSIDE CLOSURE.

NO DEBRIS WILL BE EXPULSED AT OR INTO THE FENCE LINE DURING SAW CUTTING, REMOVAL, CONSTRUCTION, OR INSTALLATION OPERATIONS.

THE FENCE WILL BE PROTECTED FROM SIDEWALK INSTALLATION OPERATIONS BY SILT FENCE OR OTHER SHIELDING METHOD, STAKED IN PLACE WITHIN THE LAYOUT LINE.

ANY DAMAGE TO THE FENCE LINE OR PROPERTY BEYOND THE LAYOUT LINE CAUSED BY CONSTRUCTION OR OPERATION SHALL BE FULLY REPAIRED BY THE SAME OR COMPARABLE TO THE ORIGINAL CONDITION, APPROVED BY THE PROPERTY OWNER IN ITS ENTIRETY WITH ALL COSTS FOR SUCH BORNE BY THE CONTRACTOR.

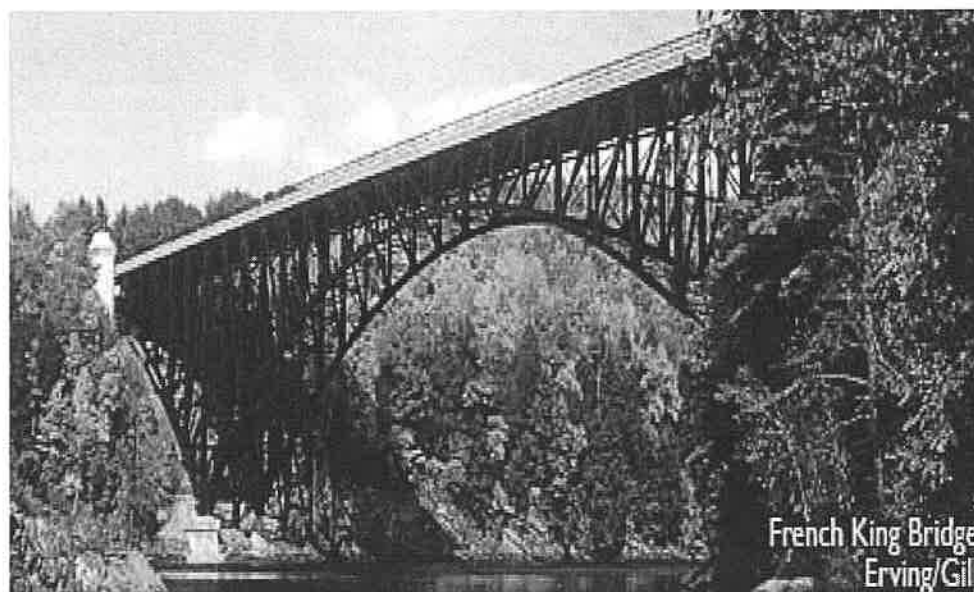


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ANY DAMAGE TO THE FENCE LINE OR PROPERTY BEYOND THE LAYOUT LINE CAUSED BY



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



French King Bridge
Erving/Gill

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

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Matters of compensation should be addressed with the officials in your municipality.

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EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative

Date

****All Owners of Records must sign****

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

BERNARD T. GAWLE
110 UNION ST
EASTHAMPTON, MA 01027

Re: Union Street Reconstruction Project: Project #608577 (“Project”)
Parcel ID: TE-16 (“Parcel ID”)
Property Address: 118 UNION STREET (“Property”)

Dear Resident:

As you are aware, the City of Easthampton (“City”) is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City’s Written Offer to acquire a **Temporary Construction Easement (5 Years)** (collectively “Easement”) over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the “Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans” and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer’s Office and on the City’s website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City’s approved Offer of Fair Compensation for the Easement is \$1,100.00 (“Offer”).

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser (“Appraisal”). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Bernard T. Gawle

MAILING ADDRESS:

110 Union Street, Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

118 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-22

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 4,792 square feet or 0.110 acres which, according to Assessor's records, is improved with a single-story, commercial building which was constructed in 1910 with approximately 1,688 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

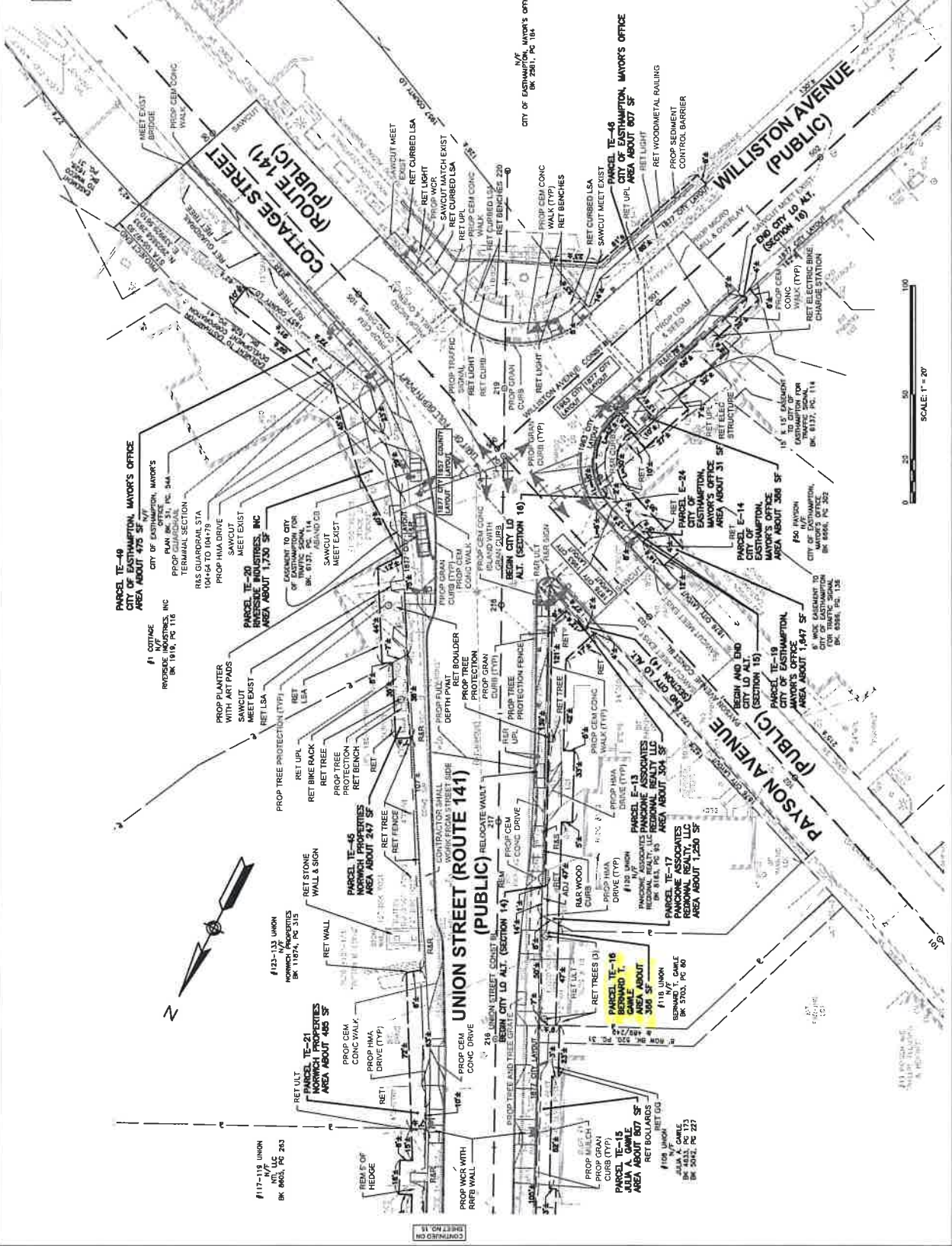
INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-22	366 SF	TE-16	RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET. THE EASEMENT EXTENDS ALONG THE ENTIRETY OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 8' TO 9' +/- AND A LENGTH OF APPROXIMATELY 50' +/- ALONG UNION STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

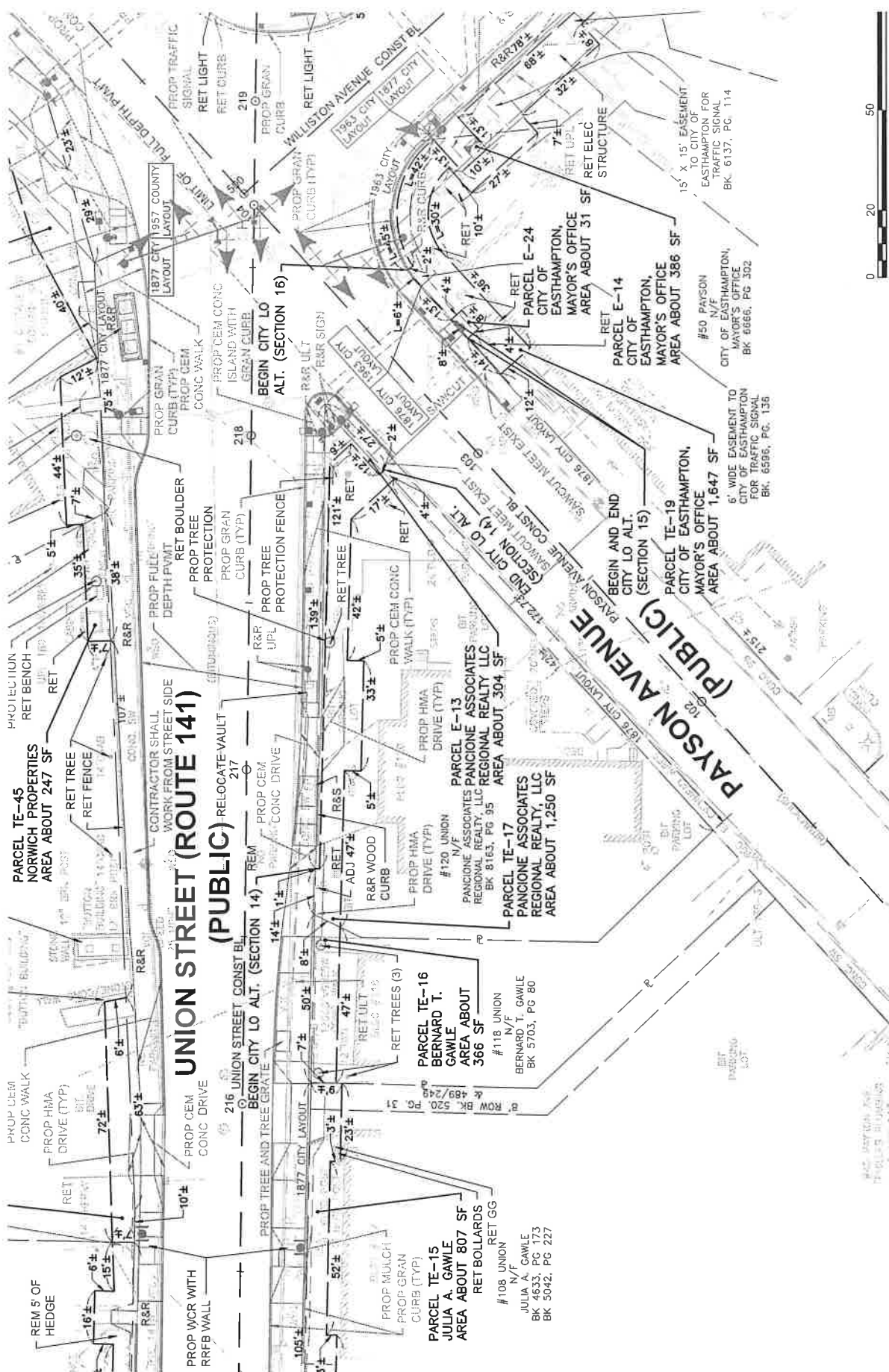
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$1,100**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$1,100**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

EASTHAMPTON UNION STREET	
DATE	10-10-2019
BY	10-10-2019
CHK	10-10-2019
PROJECT FILE NO.	608577
PRELIMINARY RIGHT OF WAY PROPERTY PLAN SHEET 4 OF 4	

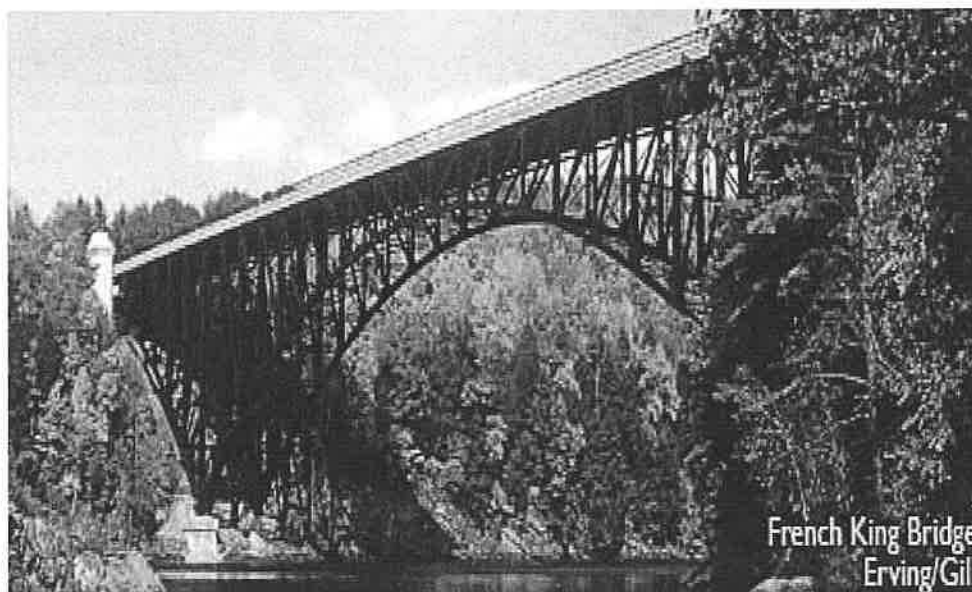


CONFIRMED ON
SHEET NO. 15



CONTINUED ON
SHEET NO. 15

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds); _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

CAP 1 SWEAT, LLC
2200 PACIFIC COAST HWY STE 305
HERMOSA BCH, CA 90254

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: TE-44 ("Parcel ID")
Property Address: 97 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire a **Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$3,110.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division

Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Cap 1 Sweat, LLC

MAILING ADDRESS:

2200 Pacific Coast Highway, Suite 305, Hermosa Beach, CA 90254

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

97 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-17

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 23,522 square feet or 0.54 acres which, according to Assessor's records, is improved with a self-service gasoline station with a convenience store which was constructed in 1970 with approximately 2,432 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-17	1,150 SF	TE-44	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET AND THE SOUTHERLY SIDE OF LIBERTY STREET ALONG THE FRONTAGE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 9' +/- AND A LENGTH OF APPROXIMATELY 142' +/- ALONG UNION STREET AND A DEPTH OF APPROXIMATELY 3' +/- ALONG THE CORNER OF UNION STREET AND LIBERTY STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$3,110**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$3,110**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

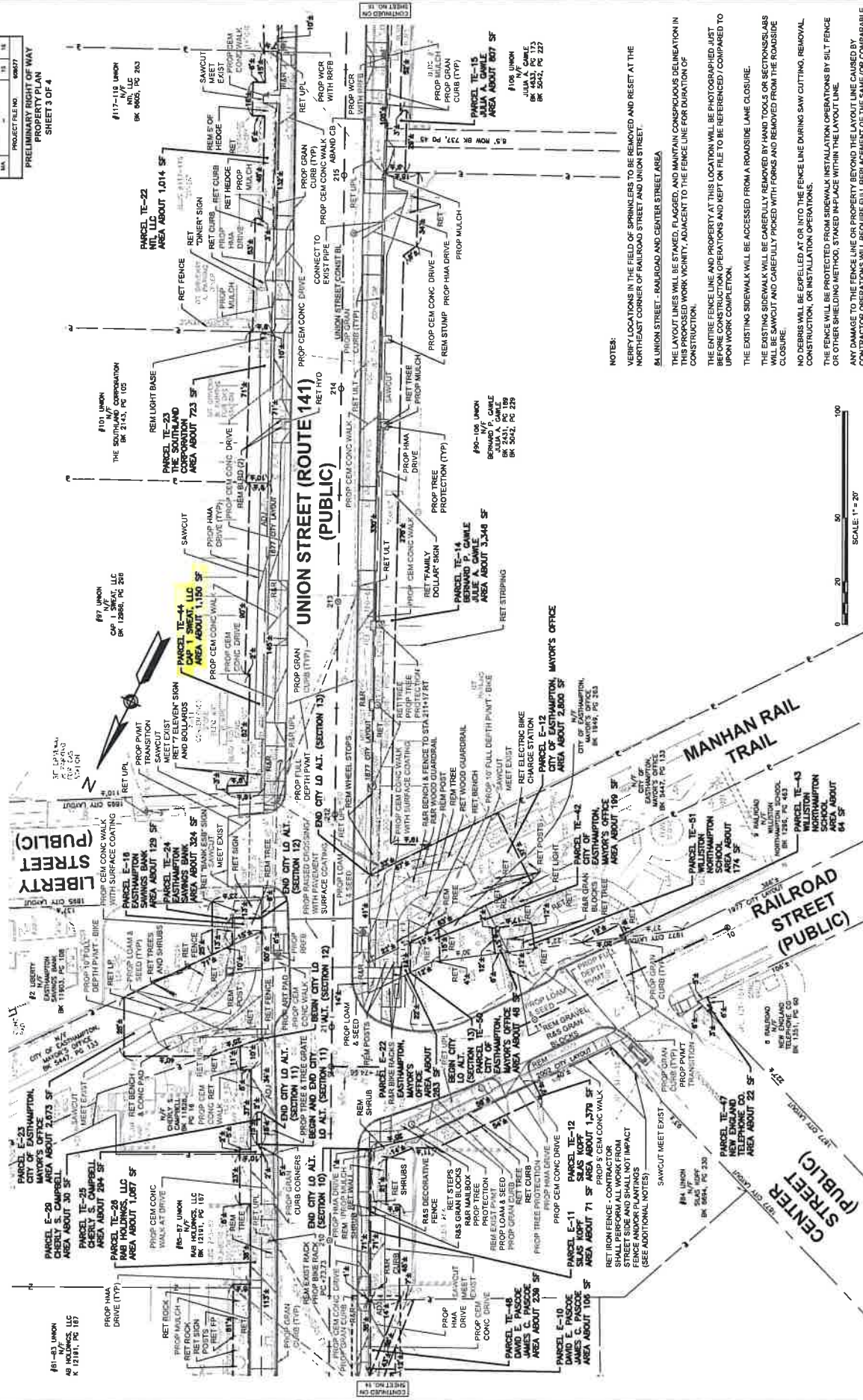
STATE	FED AND PROJ NO	SHEET NO.	TOTAL SHEETS
MIA	-	13	18
PROJECT FILE NO.			626677

EASTHAMPTON

NAME	FED AND PROJ NO	RECEIVED	TOTAL
M/A	-	15	18

PROJECT FILE NO. 606377

PRELIMINARY RIGHT OF WAY
PROPERTY PLAN



11-0115

VERIFY LOCATIONS IN THE FIELD OF SPRINKLERS TO BE REMOVED AND RESET AT THE NORTHEAST CORNER OF RAILROAD STREET AND UNION STREET.

34 UNION STREET - RAILROAD AND CENTER STREET AREA

THE LAYOUT LINES WILL BE STAKED, FLAGGED, AND MAINTAIN CONSPICUOUS DELINEATION IN THIS PROPOSED WORK VICINITY, ADJACENT TO THE FENCE LINE FOR DURATION OF CONSTRUCTION.

THE ENTIRE FENCE LINE AND PROPERTY AT THIS LOCATION WILL BE PHOTOGRAPHED JUST BEFORE CONSTRUCTION OPERATIONS AND KEPT ON FILE TO BE REFERENCED / COMPARED TO UPON WORK COMPLETION.

THE EXISTING SIDEWALK WILL BE ACCESSED FROM A ROADSIDE LANE CLOSURE

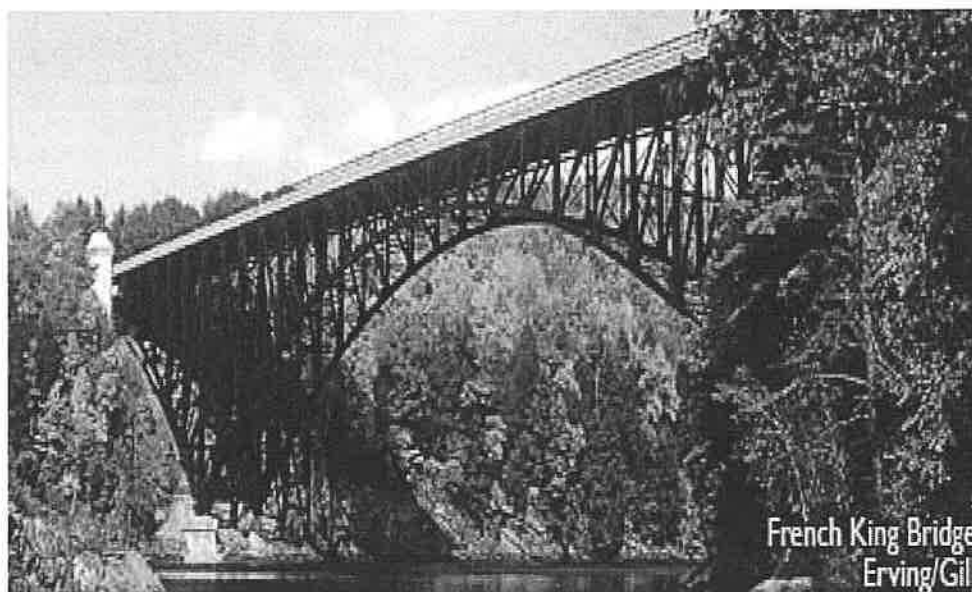
THE EXISTING SIDEWALK WILL BE ACCESSSED FROM A ROADSIDE LANE CLOSURE. THE EXISTING SIDEWALK WILL BE CAREFULLY REMOVED BY HAND TOOLS OR SECTIONS/SLABS WILL BE SAWCUT AND CAREFULLY PICKED UP WITH FORKS AND REMOVED FROM THE ROADSIDE CLOSURE.

NO DEBRIS WILL BE EXPELLED AT OR INTO THE FENCE LINE DURING SAW CUTTING, REMOVAL, CONSTRUCTION, OR INSTALLATION OPERATIONS.

THE FENCE WILL BE PROTECTED FROM SIDEWALK INSTALLATION OPERATIONS BY SILT FENCE OR OTHER SHIELDING METHOD, STAKED IN-PLACE WITHIN THE LAYOUT LINE.

ANY DAMAGE TO THE FENCE LINE OR PROPERTY BEYOND THE LAYOUT LINE CAUSED BY CONTRACTOR OPERATIONS WILL REQUIRE FULL REPLACEMENT OF THE SAME (OR COMPARABLE) - APPROVED BY THE PROPERTY OWNER) IN IT'S ENTIRELY WITH ALL COSTS FOR SUCH BORNE BY THE CONTRACTOR.

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

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The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

CHERYL S. CAMPBELL
95 UNION ST
EASTHAMPTON, MA 01027

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: TE-25 and E-29 ("Parcel ID")
Property Address: 95 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire an: **TE-25 - Temporary Construction Easement (5 Years); E-29 Permanent Easement** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$1,330.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME: Cheryl S. Campbell

MAILING ADDRESS: 95 Union Street, Easthampton, MA 01027

CITY/TOWN: Easthampton, MA

F.A. PROJECT NO.: N/A

PROJECT FILE #: 608577

PROPERTY LOCATION: 95 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION: 53-6

PROPERTY DESCRIPTION: Single parcel of Downtown Business District (DB) zoned land which contains approximately 2,835 square feet or 0.069 acres which, according to Assessor's records, is improved with a one and two-story mixed-se building which was constructed in 1940 with approximately 2,672 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-6	30 SF	E-29	RECTANGULAR SHAPED PIECE OF LAND LOCATED ALONG THE EASTERLY SIDE OF UNION STREET. THE EASEMENT EXTENDS ALONG A SMALL PORTION OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 2' +/- AND A LENGTH OF APPROXIMATELY 15' +/- ALONG UNION STREET. INTEREST ACQUIRED: PERMANENT EASEMENT
53-6	294 SF	TE-25	IRREGULARLY SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET. THE EASEMENT ABUTS E-29 ALONG UNION STREET AND EXTENDS ALONG THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 5 TO 10' +/- AND A LENGTH OF APPROXIMATELY 51' +/- ALONG UNION STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

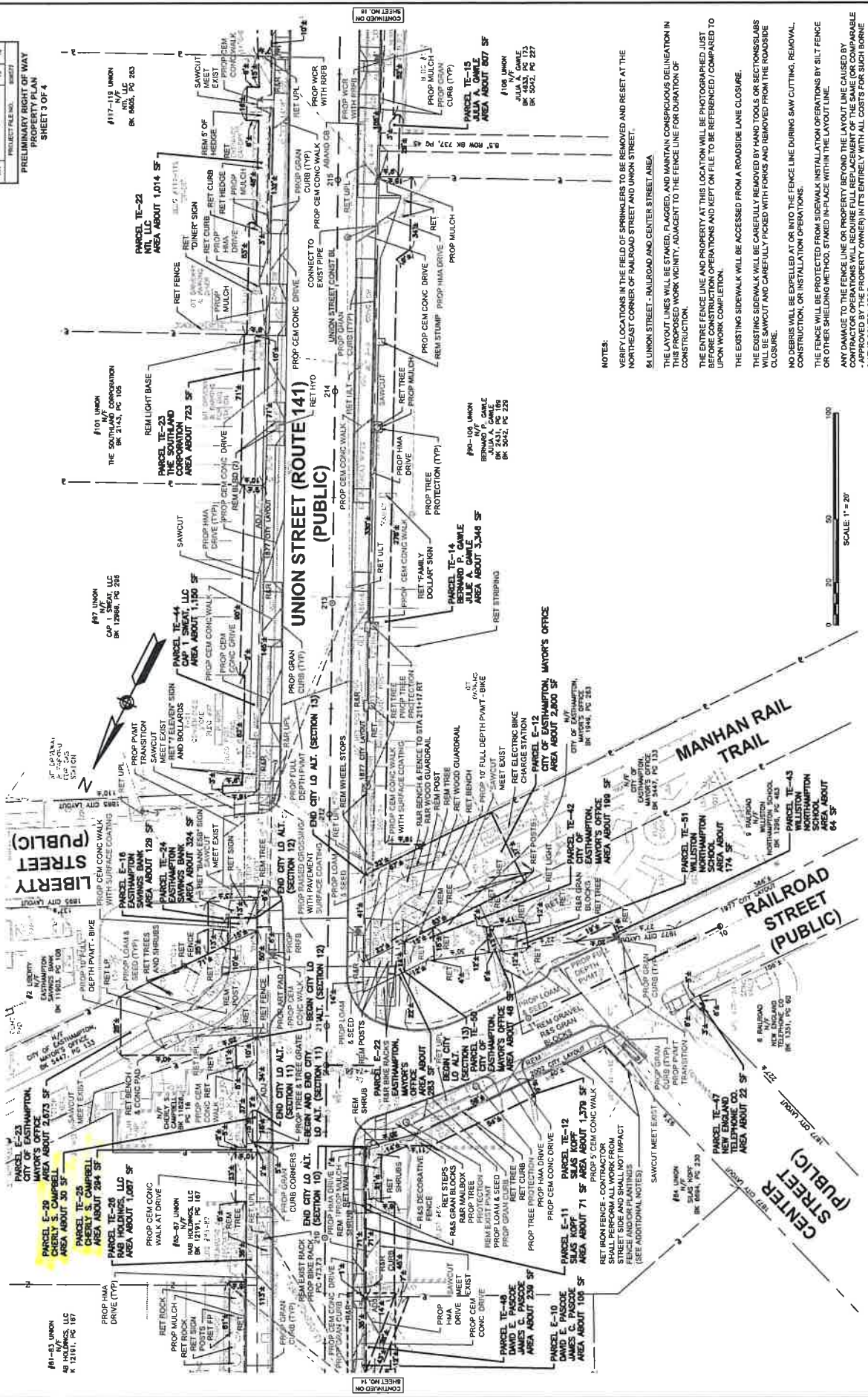
- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state): None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$1,330**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$1,330**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

EASTHAMPTON
UNION STREET

DATE	TIME	BY	REVISION
10/10/2017	10:48 PM	088777	1

PROJECT FILE NO. 088777

PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 3 OF 4



NOTES:

VERIFY LOCATIONS IN THE FIELD OF SPRINKLERS TO BE REMOVED AND RESET AT THE NORTHEAST CORNER OF RAILROAD STREET AND UNION STREET.

64 UNION STREET - RAILROAD AND CENTER STREET AREA

THE LAYOUT LINES WILL BE STAKED, FLAGGED, AND MAINTAIN CONSPICUOUS DELINEATION IN THE PROPOSED WORK VICINITY, ADJACENT TO THE FENCE LINE FOR DURATION OF CONSTRUCTION.

THE ENTIRE FENCE LINE AND PROPERTY AT THIS LOCATION WILL BE PHOTOGRAPHED JUST BEFORE CONSTRUCTION OPERATIONS AND KEPT ON FILE TO BE REFERENCED / COMPARED TO UPON WORK COMPLETION.

THE EXISTING SIDEWALK WILL BE ACCESSIBLE FROM A ROADSIDE LANE CLOSURE.

THE EXISTING SIDEWALK WILL BE CAREFULLY REMOVED BY HAND TOOLS, OR SECTION-SLABS WILL BE SAWCUT AND CAREFULLY PICKED WITH FORKS AND REMOVED FROM THE ROADSIDE CLOSURE.

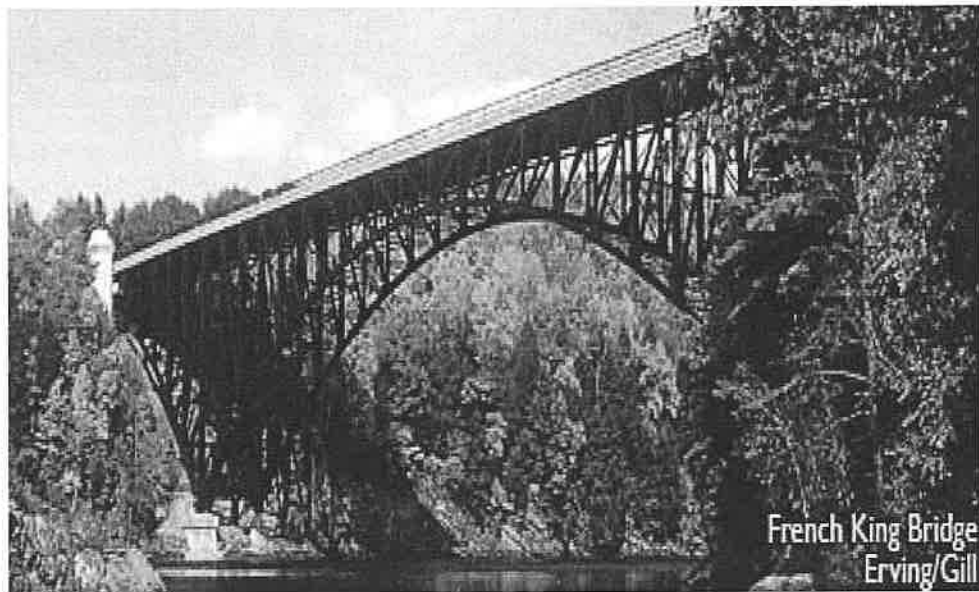
NO DEBRIS WILL BE EXPELLED AT OR INTO THE FENCE LINE DURING SAW CUTTING, REMOVAL, CONSTRUCTION, OR INSTALLATION OPERATIONS.

THE FENCE WILL BE PROTECTED FROM SIDEWALK INSTALLATION OPERATIONS BY SILT FENCE OR OTHER SHIELDING METHOD, STAKED IN-PLACE WITHIN THE LAYOUT LINE.

ANY DAMAGE TO THE FENCE LINE OR PROPERTY BEYOND THE LAYOUT LINE CAUSED BY ANY CONSTRUCTION OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S RESPONSIBILITY - APPROVED BY THE PROPERTY OWNER IN ITS ENTIRETY WITH ALL COSTS FOR SUCH BORNE BY THE CONTRACTOR.



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____

Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____

Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

DAVID E. PASCOE and JAMES C. PASCOE
140 FOMER RD
SOUTHAMPTON, MA 01073

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: PUE-1; TE-9; TE-10 ("Parcel ID")
Property Address: 68 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire an: **PUE-1 - Permanent Easement; TE-9 - Temporary Construction Easement (5 Years); TE-10 - Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$2,130.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division

Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

David E. Pascoe and James C. Pascoe

MAILING ADDRESS:

140 Fomer Road, Southampton, MA 01073

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

68 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-61

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 18,296 square feet or 0.31 acres which, according to Assessor's records, is improved with a two-story, brick/stone masonry, commercial building which was constructed in 1994 with approximately 8,424 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

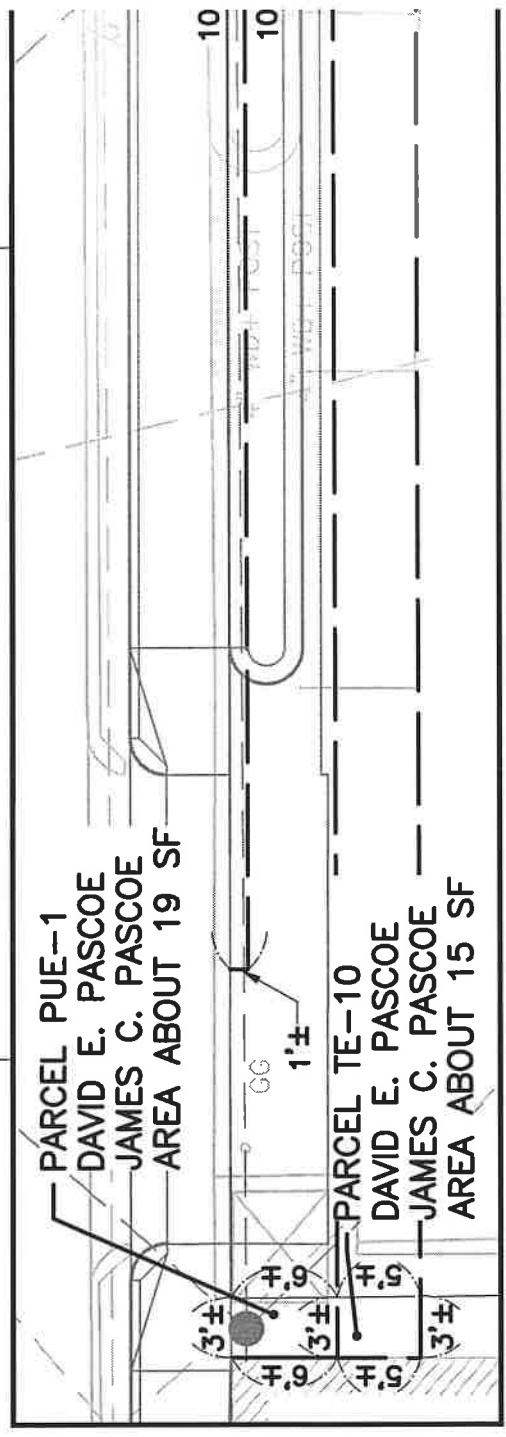
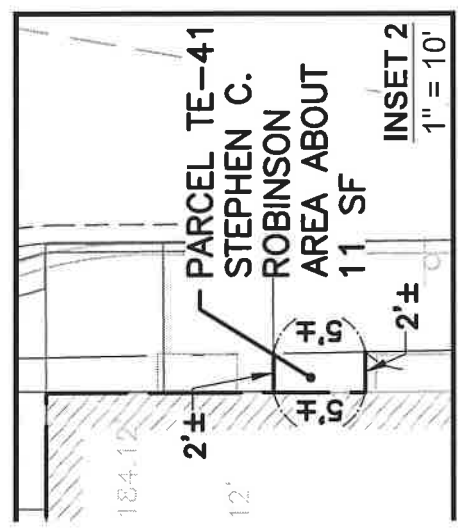
PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-61	19 SF	PUE-1	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET IN THE SOUTHEASTERLY CORNER OF THE PARCEL. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 6' +/- AND A LENGTH OF APPROXIMATELY 3' +/-. INTEREST ACQUIRED: PERMANENT EASEMENT
53-61	679 SF	TE-9	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET IN THE NORTHEASTERLY CORNER OF THE PARCEL. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 24' +/- AND A LENGTH OF APPROXIMATELY 28' +/-. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)
53-61	15 SF	TE-10	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET IN THE SOUTHEASTERLY CORNER OF THE PARCEL ABUTTING PUE-1. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 5' +/- AND A LENGTH OF APPROXIMATELY 3' +/-. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

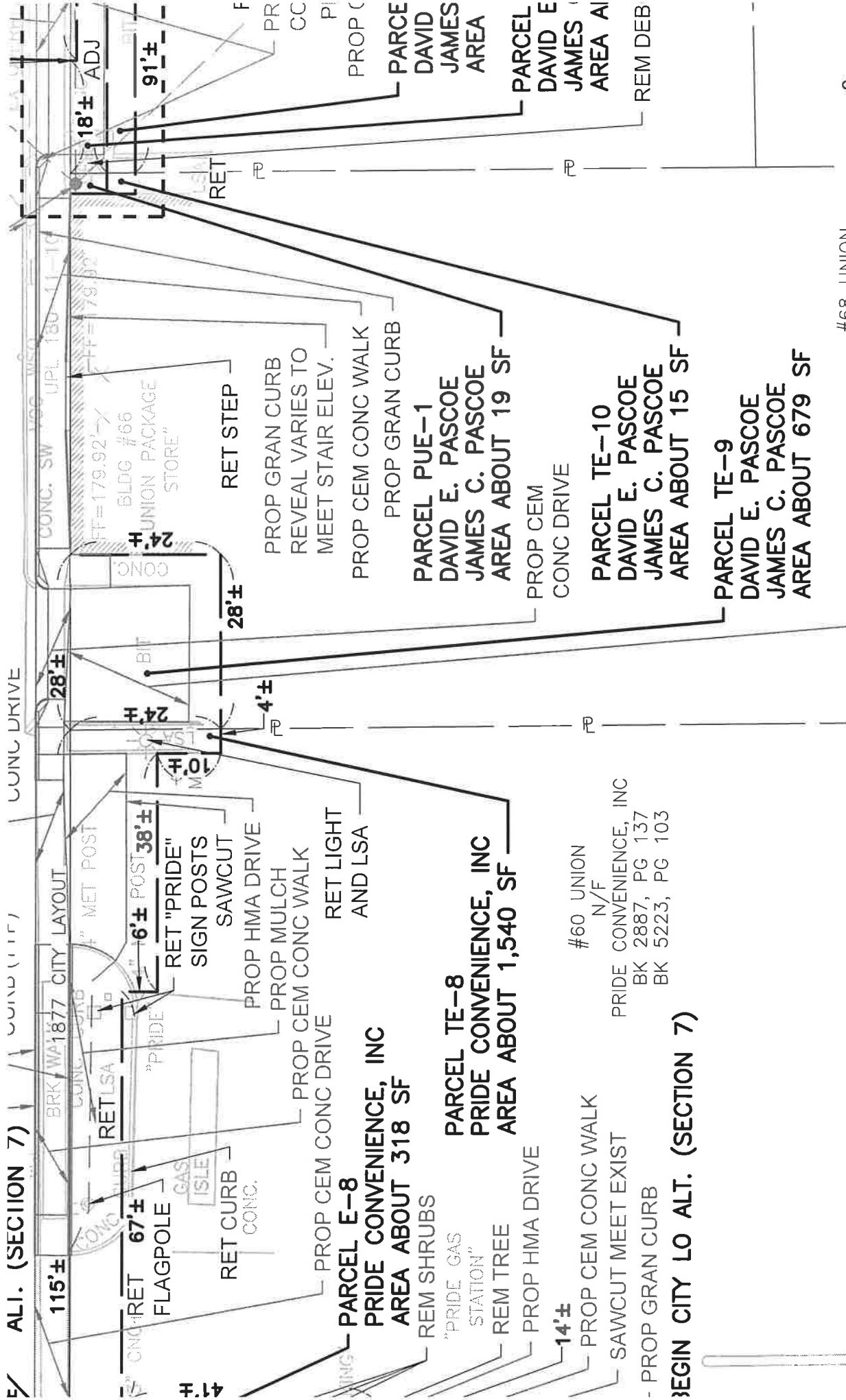
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
- (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$2,130**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$2,130**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

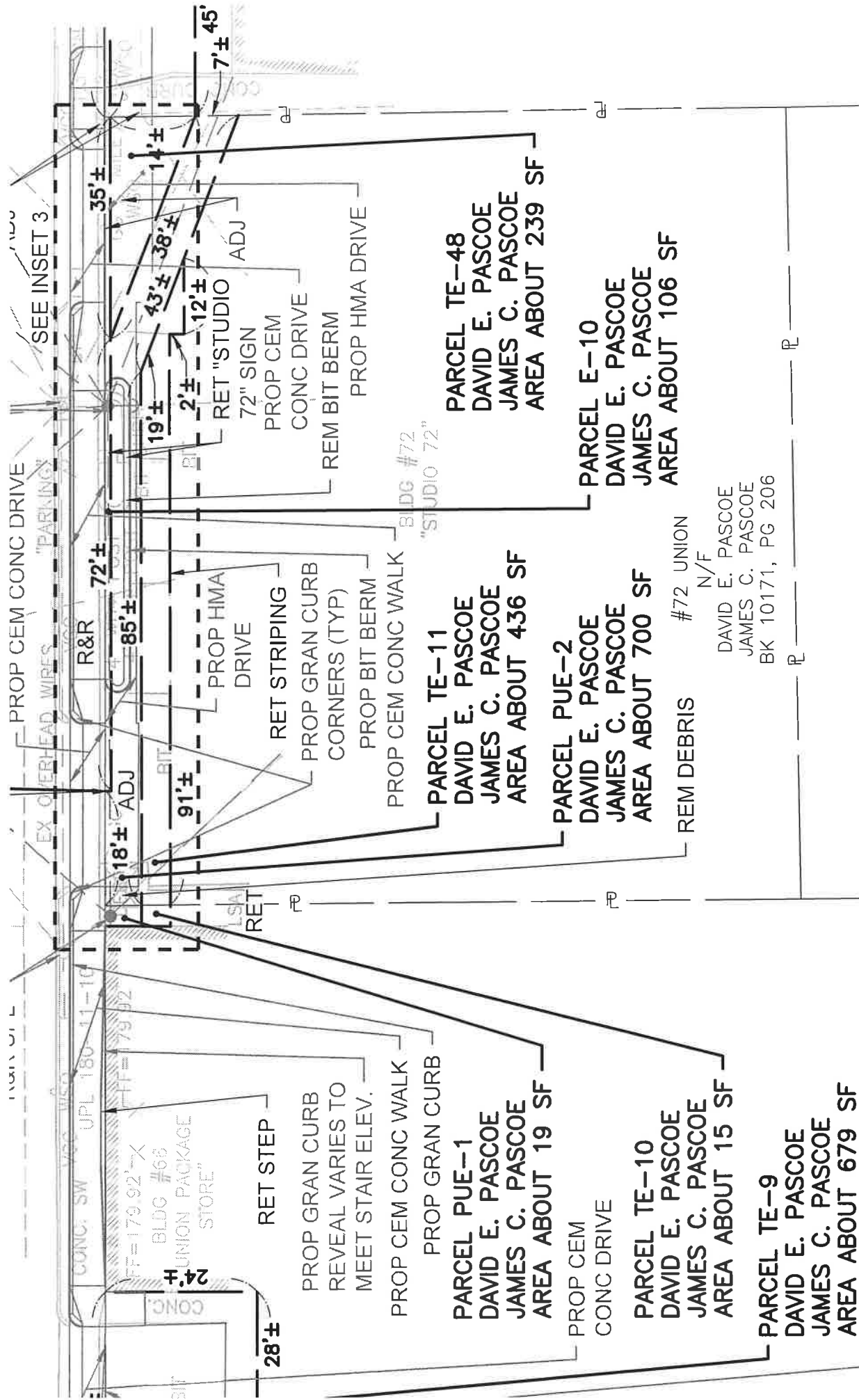
REM TREE
 PROP HMA DRIVE
 14'±
 PROP CEM CONC WALK
 SAWCUT MEET EXIST
 - PROP GRAN CURB
 BEGIN CITY LO ALT. (SECTION 7)

AREA ABOUT 1,540 SF
 #60 UNION
 N/F
 PRIDE CONVENIENCE, INC
 BK 2887, PG 137
 BK 5223, PG 103
 AREA ABOUT 19 SF
 PROP CEM
 CONC DRIVE
 PARCEL TE-10
 DAVID E. PASCOE
 JAMES C. PASCOE
 AREA ABOUT 15 SF
 PARCEL TE-9
 DAVID E. PASCOE
 JAMES C. PASCOE
 AREA ABOUT 679 SF
 PROP HMA DRIVE
 #68 UNION
 N/F
 DAVID E. PASCOE
 JAMES C. PASCOE
 BK 4298, PG 31
 REM DEB
 PARCEL
 DAVID E
 JAMES
 AREA A





#60 UNION



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



French King Bridge
Erving/Gill

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____

Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____

Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative

****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

DAVID E. PASCOE and JAMES C. PASCOE
140 FOMER RD
SOUTHAMPTON, MA 01073

Re: Union Street Reconstruction Project: Project #608577 (“Project”)
Parcel ID: E-10; PUE-2; TE-11; TE-48 (“Parcel ID”)
Property Address: 72 UNION STREET (“Property”)

Dear Resident:

As you are aware, the City of Easthampton (“City”) is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City’s Written Offer to acquire an: **E-10 - Permanent Easement; PUE-2 - Permanent Easement; TE-11 - Temporary Construction Easement (5 Years); TE-48 - Temporary Construction Easement** (collectively “Easement”) over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the “Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans” and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer’s Office and on the City’s website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City’s approved Offer of Fair Compensation for the Easement is \$15,710.00 (“Offer”).

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser (“Appraisal”). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division

Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

David E. Pascoe and James C. Pascoe

MAILING ADDRESS:

140 Fomer Road, Southampton, MA 01073

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

72 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-60

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Single parcel of Downtown Business District (DB) zoned land which contains approximately 13,504 square feet or 0.31 acres which, according to Assessor's records, is improved with a single-story, brick/stone masonry, commercial building which was constructed in 1950 with approximately 1,491 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-60	106 SF	E-10	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET ALONG THE FRONTAGE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 1' +/- AND A LENGTH OF APPROXIMATELY 106' TO 107' +/-.
			INTEREST ACQUIRED: PERMANENT EASEMENT
53-60	700 SF	PUE-2	IRREGULARLY SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET ABUTTING E-10. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 5' +/- FOR A LENGTH OF APPROXIMATELY 85' +/-, THEN EXTENDS SOUTHWESTERLY AT A DEPTH OF APPROXIMATELY 7' +/- FOR A LENGTH OF APPROXIMATELY 38' TO 43' +/-.
			INTEREST ACQUIRED: PERMANENT EASEMENT

ROW Form 360 (Form Revised 6/14)

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 3**

53-60	436 SF	TE-11	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET ABUTTING PUE-2. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 5' +/- FOR A LENGTH OF APPROXIMATELY 91' +/-, THEN EXTENDS SOUTHWESTERLY AT A DEPTH OF APPROXIMATELY 2' TO 4' +/- FOR A LENGTH OF APPROXIMATELY 12' /-.
			INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)
53-60	239 SF	TE-48	GENERALLY TRIANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET ABUTTING E-10 AND PUE-2. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 14' +/- AND A LENGTH OF APPROXIMATELY 35' +/-.
			INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 3 OF 3**

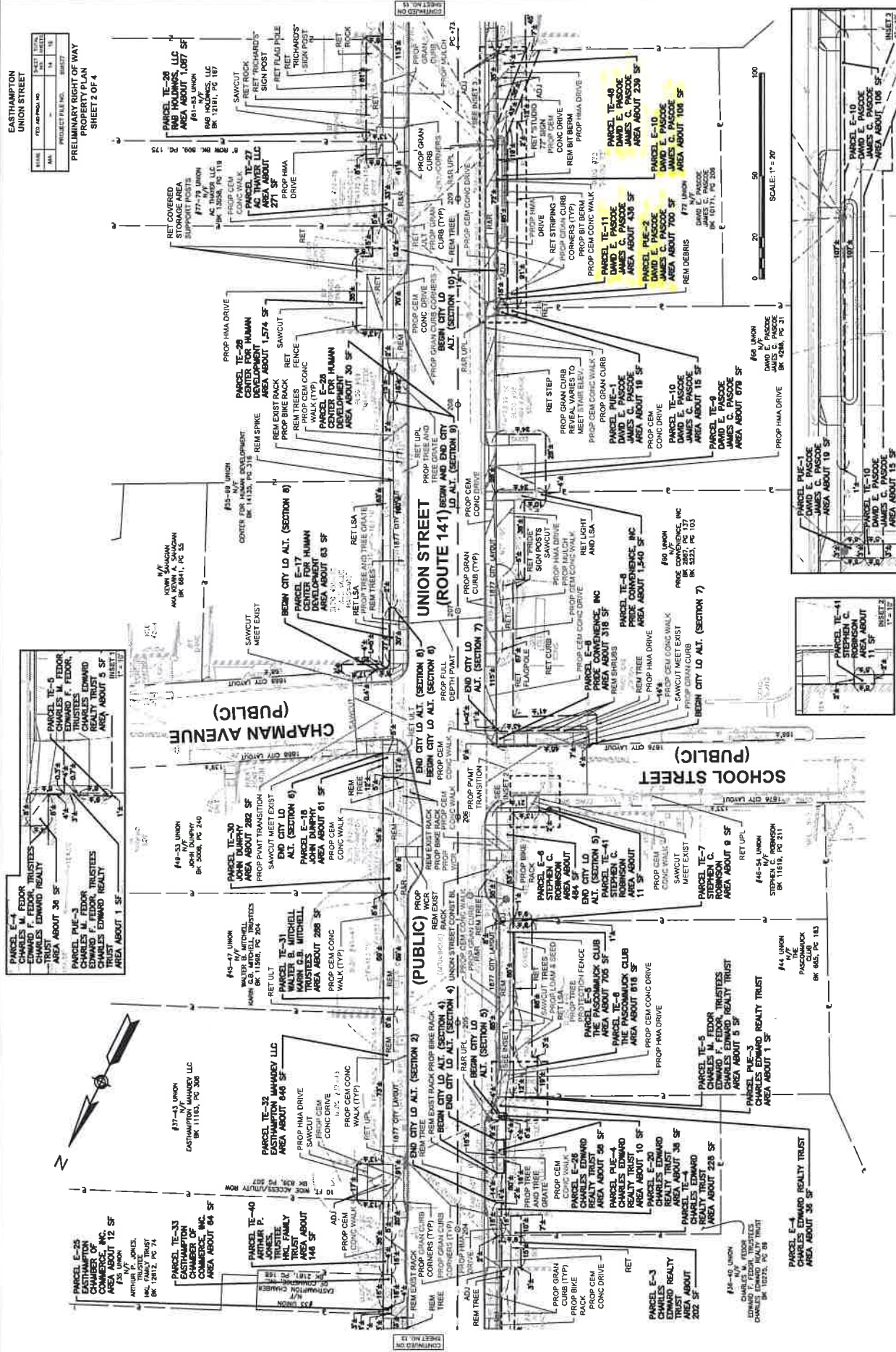
- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
- (A) The Market Value of the property.
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 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$15,710**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$15,710**
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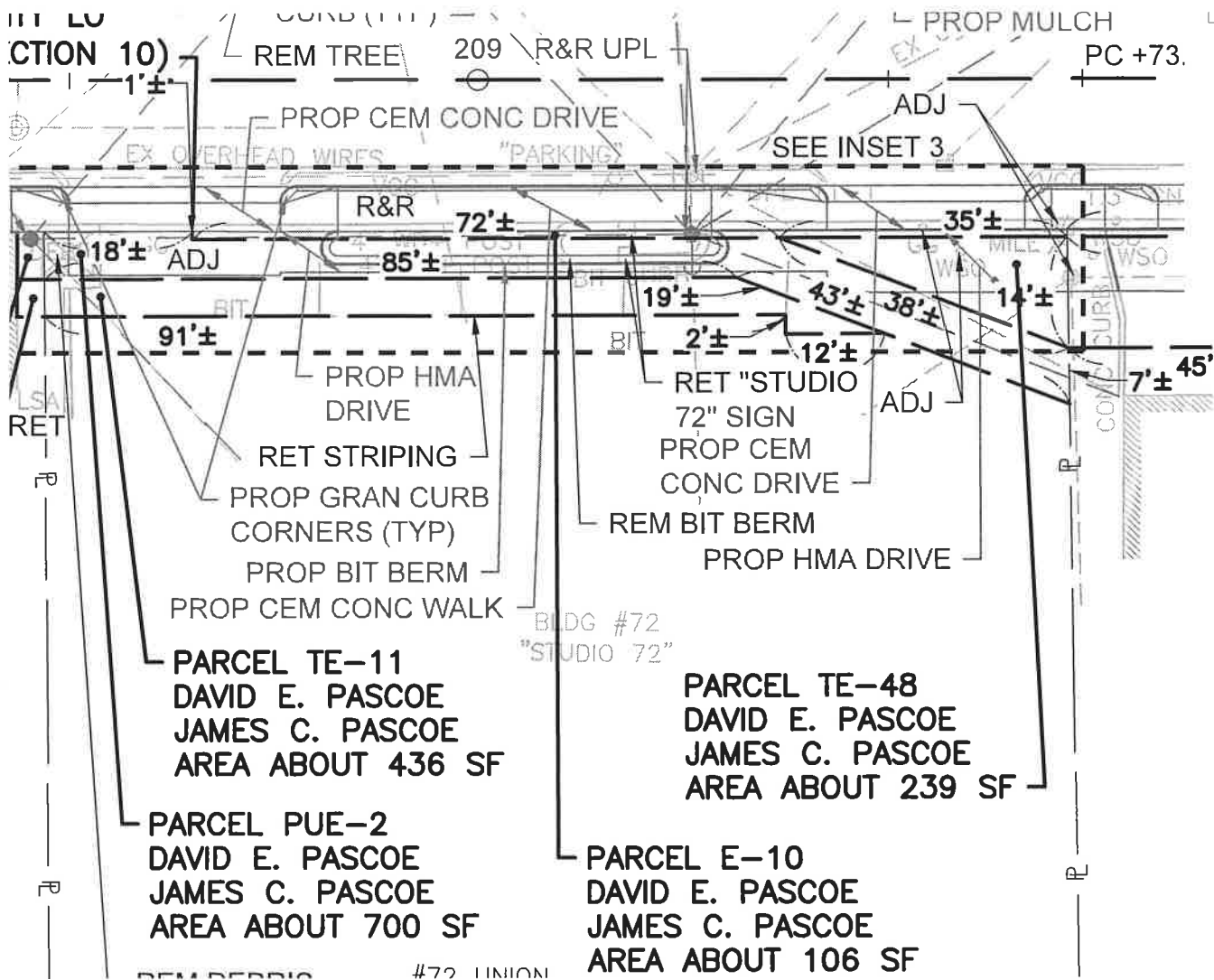
DATE	FED AID PROJ NO.	SHEET NO.	TOTAL SHEETS
1988	-	14	18

PROJECT FILE NO. 818577

EASTHAMPTON
UNION STREET

PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 2 OF 4





DAVID L. PASCOE
JAMES C. PASCOE
AREA ABOUT 19 SF

PROP CEM
CONC DRIVE

PARCEL TE-10
DAVID E. PASCOE
JAMES C. PASCOE
AREA ABOUT 15 SF

PARCEL TE-9
DAVID E. PASCOE
JAMES C. PASCOE
AREA ABOUT 679 SF

#68 UNION
N/F
DAVID E. PASCOE
JAMES C. PASCOE
BK 4298, PG 31

PROP HMA DRIVE

JAMES C. PASCOE
AREA ABOUT 436 SF

PARCEL PUE-2
DAVID E. PASCOE
JAMES C. PASCOE
AREA ABOUT 700 SF

REM DEBRIS
#72 UNION
N/F

DAVID E. PASCOE
JAMES C. PASCOE
BK 10171, PG 206

JAMES C. PASCOE
AREA ABOUT 239 SF

PARCEL E-10
DAVID E. PASCOE
JAMES C. PASCOE
AREA ABOUT 106 SF

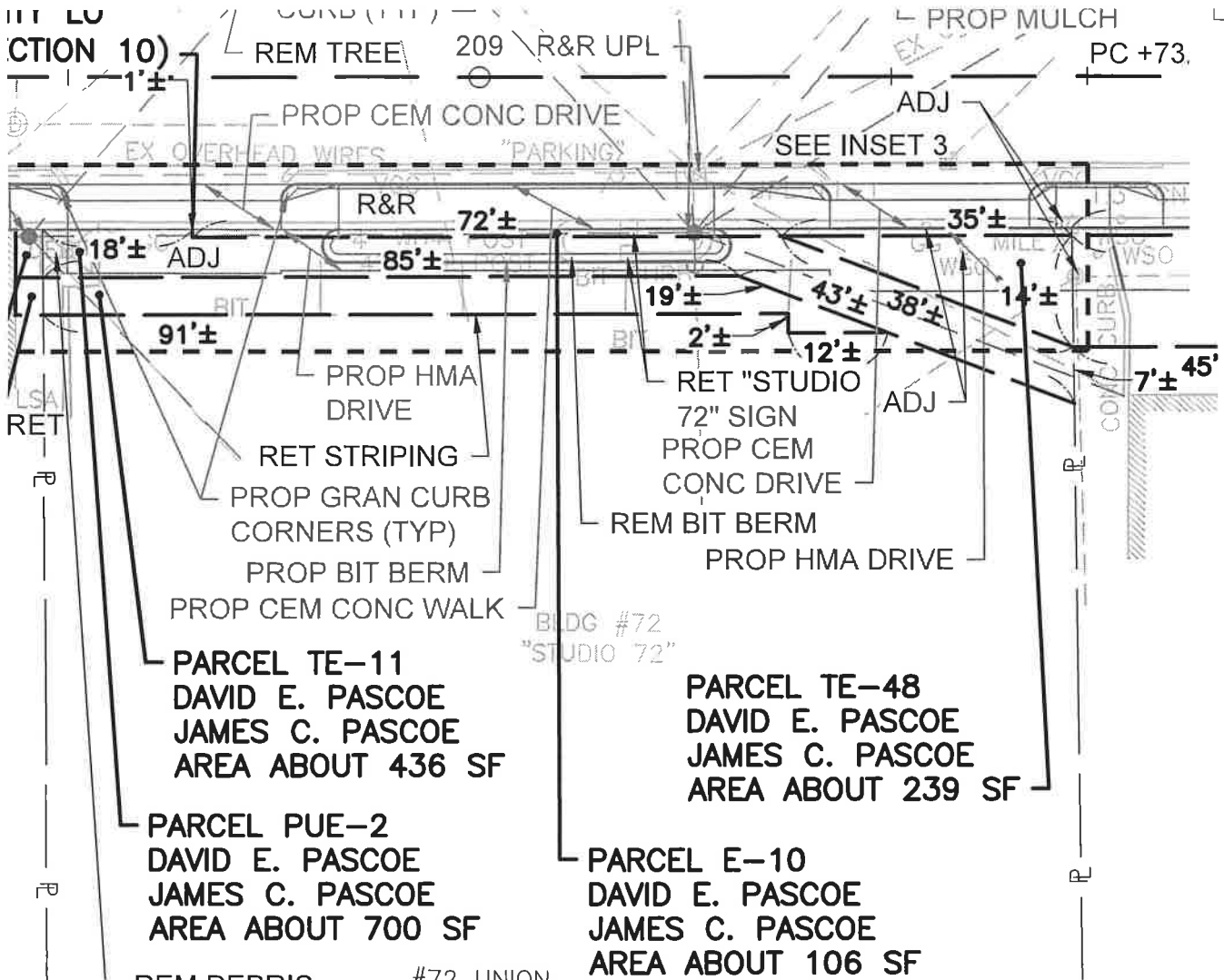


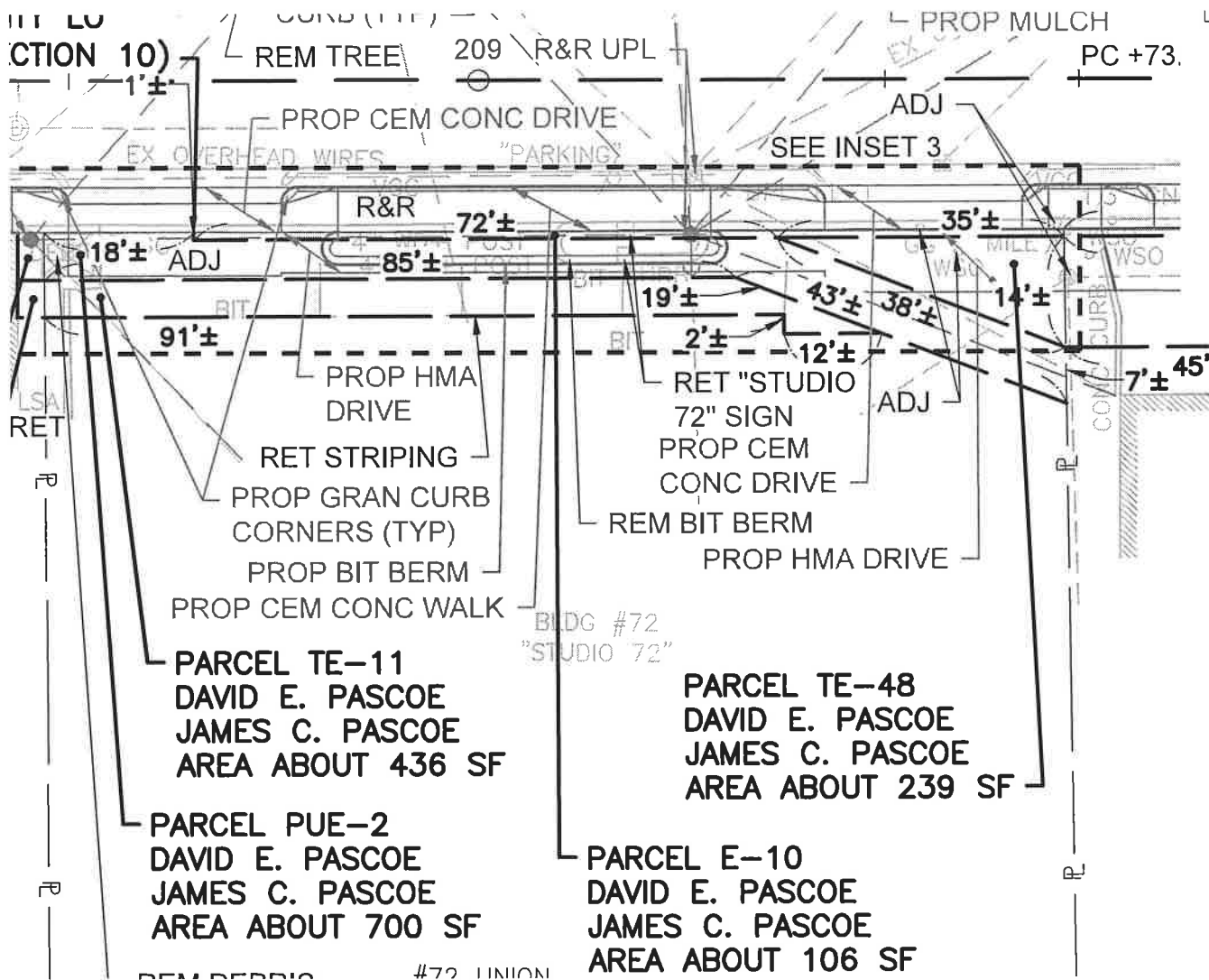
SCALE: 1" = 20'

PUE-1
JAMES C. PASCOE
AREA ABOUT 19 SF

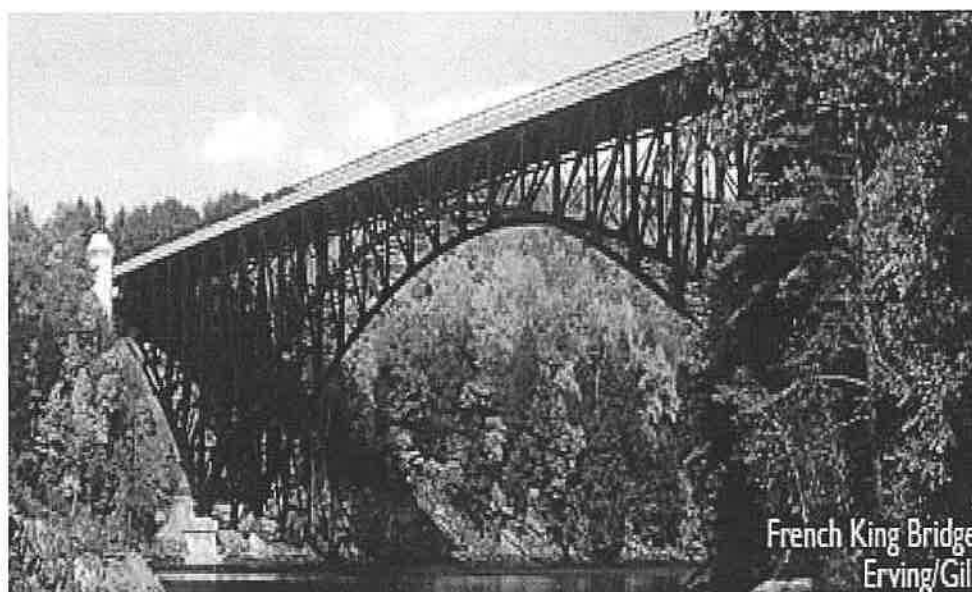
PARCEL E-10
DAVID E. PASCOE
JAMES C. PASCOE
AREA ABOUT 106 SF

INSE
1" =





FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



French King Bridge
Erving/Gill

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

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- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**HKL FAMILY TRUST
15 KNIGHT AVE
EASTHAMPTON, MA 01027**

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: TE-40 ("Parcel ID")
Property Address: 35 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire a **Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$440.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Arthur P. Jones, Trustee HKL Family Trust

MAILING ADDRESS:

15 Knight Avenue, Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

35 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

52-64

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 7,329 square feet or 0.17 acres which, according to Assessor's records, is improved a single-story commercial (restaurant) building which was constructed in 1900 with approximately 2,864 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
52-64	146 SF	TE-40	RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET. THE EASEMENT EXTENDS ALONG THE ENTIRETY OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 4-5' +/- AND A LENGTH OF APPROXIMATELY 36' +/- ALONG UNION STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

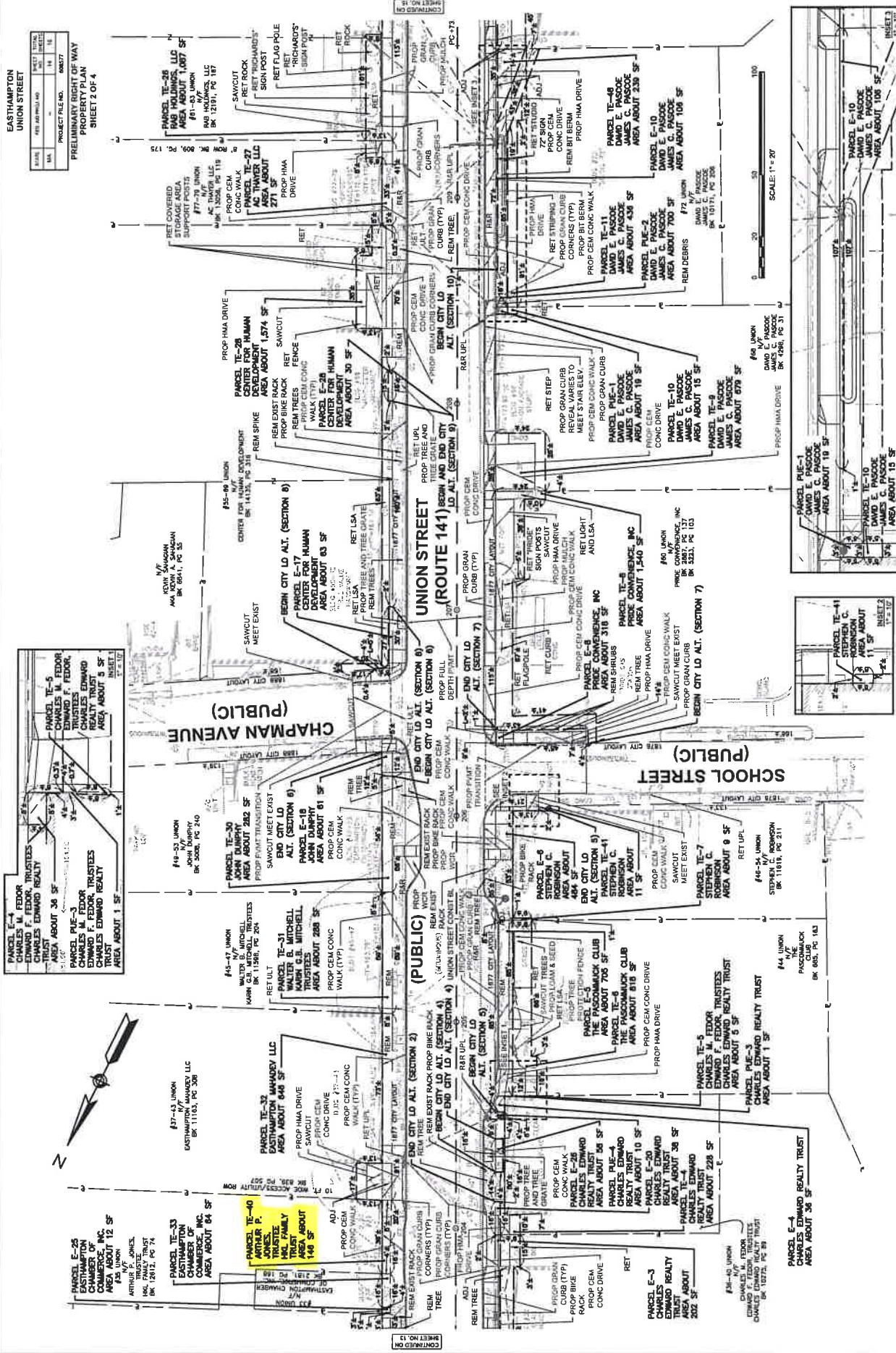
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$440**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$440**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

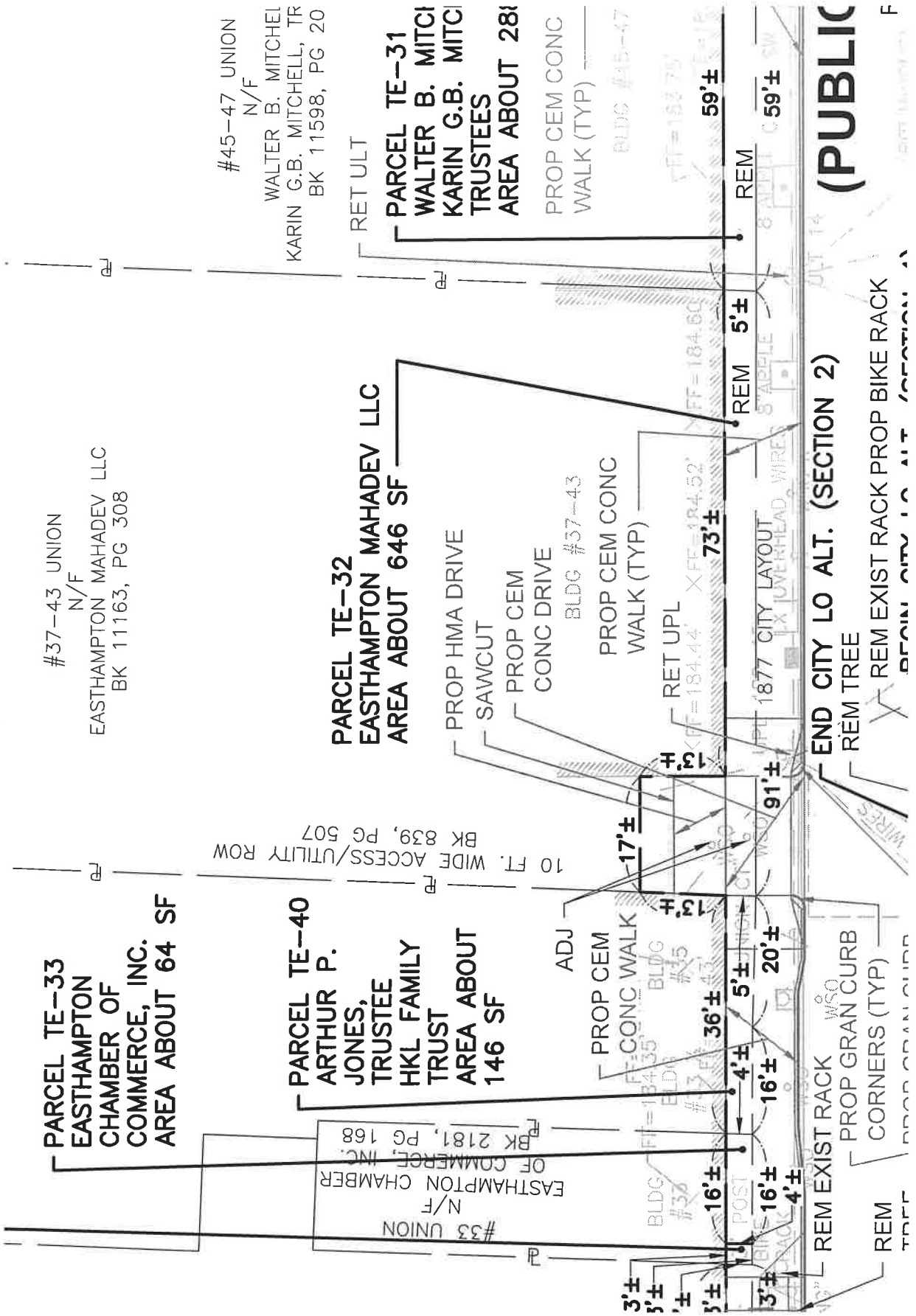
EASTHAMPTON
UNION STREET

DATE	BY	APP. BY	SCALE	SHEET NO.
09/27/17	JWP	PCP	1" = 20'	18

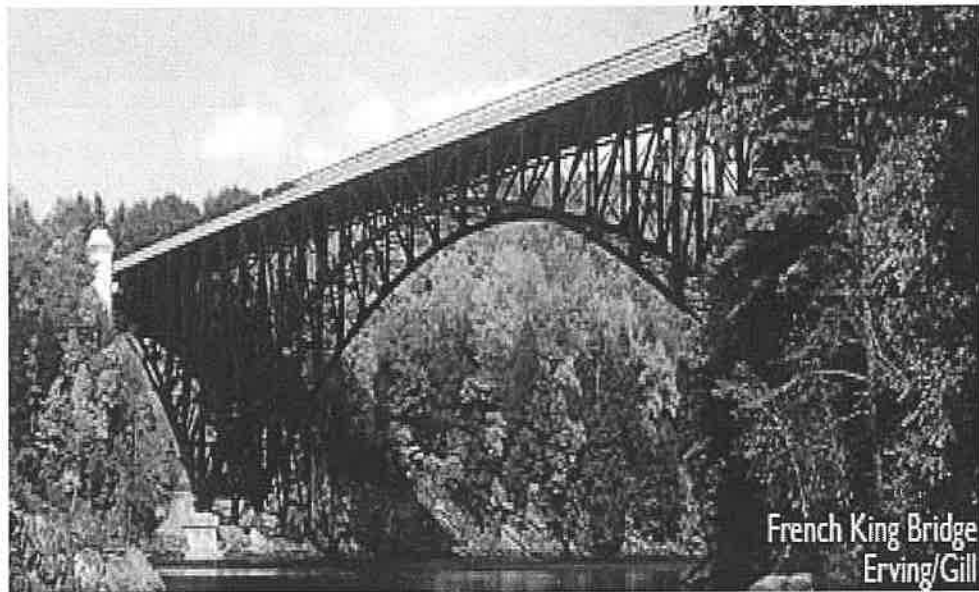
PROJECT FILE NO. 098777
PRELIMINARY RIGHT-OF-WAY
PROPERTY PLAN
SHEET 2 OF 4



—



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

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When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
All Owners of Records must sign

_____ Date

_____ Authorized City/Town Official - Title

_____ Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**JOHN DUNPHY
63 FRENCH KING HIGHWAY
GREENFIELD, MA 01301**

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: E-18; TE-30 ("Parcel ID")
Property Address: 49-53 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire an: **E-18 - Permanent Easement; TE-30 - Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$1,770.00 ("Offer").

The Offer is based on an appraisal performed on **October 19, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

John Dunphy

MAILING ADDRESS:

63 French King Highway, Greenfield, MA 01301

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

49-53 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

52-69

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 9,148 square feet or 0.213 acres which, according to Assessor's records, is improved with a three-story mixed-use building which was constructed in 1916 with approximately 13,646 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
52-69	61 SF	E-18	RECTANGULAR SHAPED PIECE OF LAND LOCATED AT THE SOUTHWESTERN CORNER OF THE PARCEL AT THE INTERSECTION OF UNION STREET AND CHAPMAN AVENUE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 5' +/- AND A LENGTH OF APPROXIMATELY 12' +/- ALONG UNION STREET. INTEREST ACQUIRED: PERMANENT EASEMENT
52-69	282 SF	TE-30	RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET. THE EASEMENT ABUTS E-18 ALONG UNION STREET AND EXTENDS ALONG THE MAJORITY OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 5' +/- AND A LENGTH OF APPROXIMATELY 56' +/- ALONG UNION STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

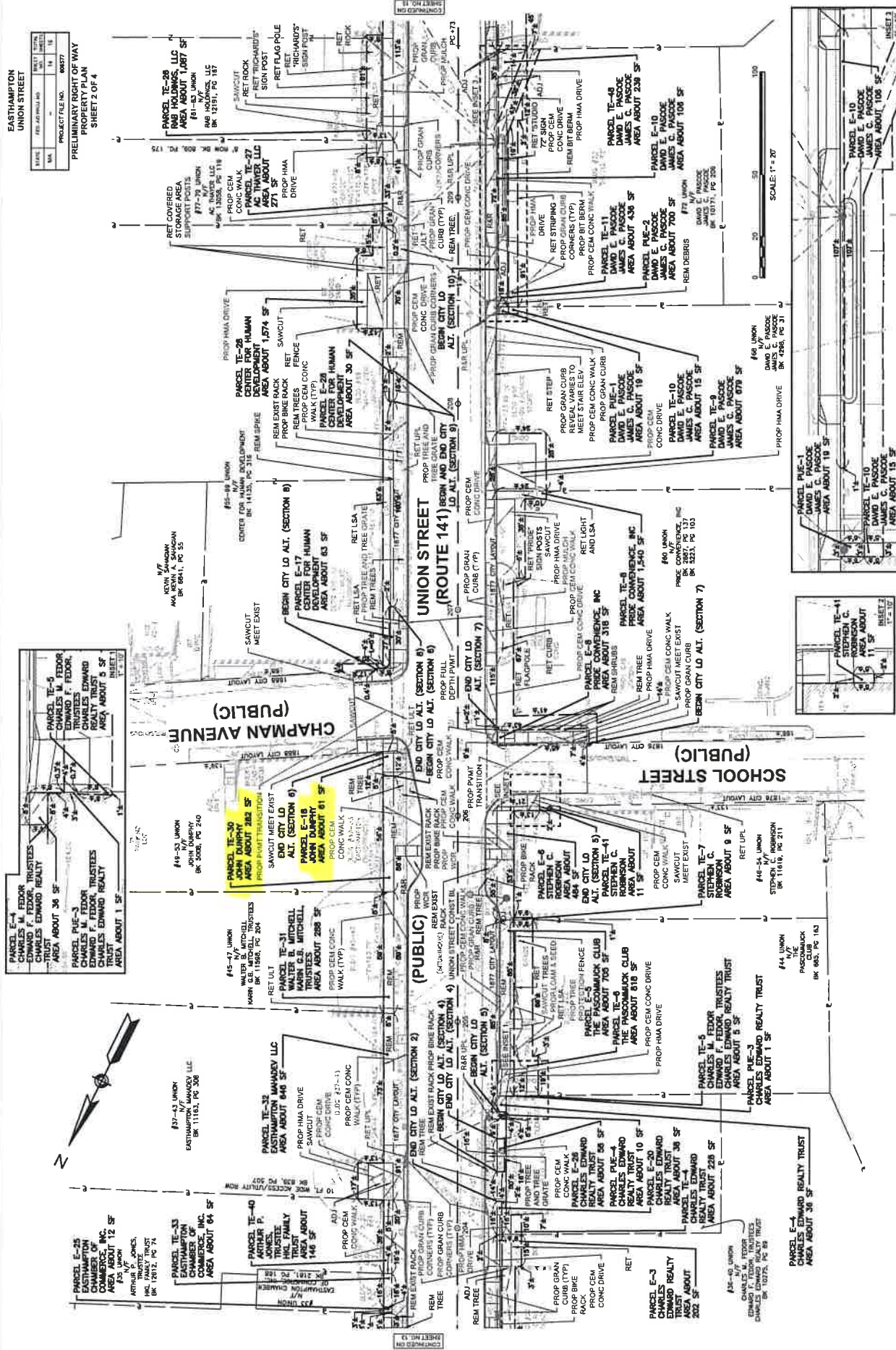
- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state): None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$1,770**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$1,770**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

STATE	FED. AID PROJ. NO.	SMILEY NO.	SMILEY DATE
MA	-	14	15

PROJECT FILE NO. 608577

EASTHAMPTON
UNION STREET

PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 2 OF 4



KEVIN S
AKA KEVIN
BK 6841

CHAPMAN AVENUE (PUBLIC)

#49-53 UNION
N/F
JOHN DUNPHY
BK 5008, PG 240

#45-47 UNION
N/F
WALTER B. MITCHELL
KARIN G.B. MITCHELL, TRUSTEES
BK 11598, PG 204

PARCEL TE-30
JOHN DUNPHY
AREA ABOUT 282 SF
PROP PVMT TRANSITION
SAWCUT MEET EXIST

PARCEL TE-31
WALTER B. MITCHELL
KARIN G.B. MITCHELL,
TRUSTEES
AREA ABOUT 288 SF
PROP CEM CONC
WALK (TYP)

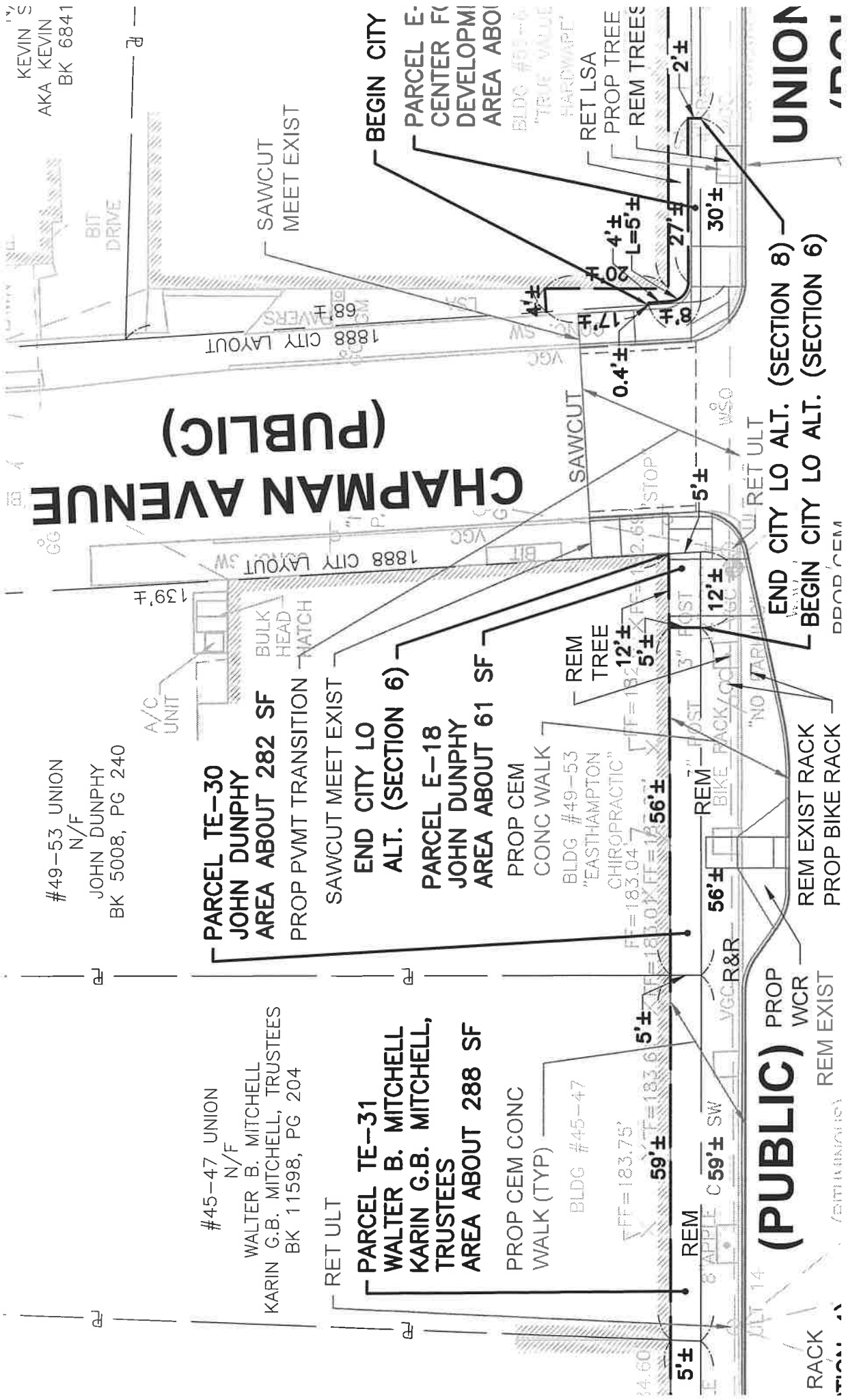
PARCEL E-18
JOHN DUNPHY
AREA ABOUT 61 SF
PROP CEM
CONC WALK
BLDG #49-53
"EASTHAMPTON
CHIROPRACTIC"

BEGIN CITY
PARCEL E-
CENTER F
DEVELOPM
AREA ABO
BLDG #53-54
"TRIF VIDE
HANDMADE"

RET LSA
PROP TREE
REM TREES

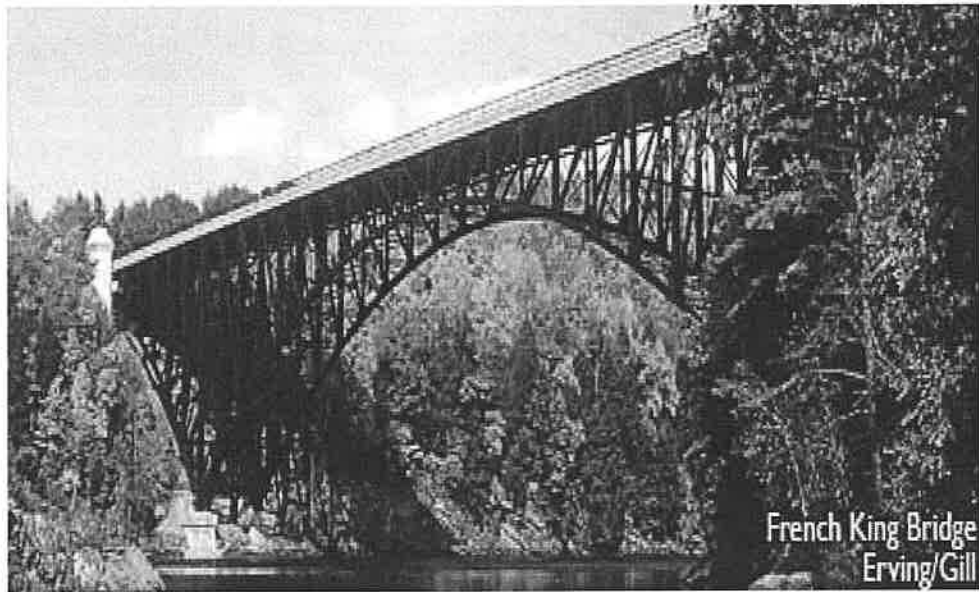
UNION
RACK
WCR
REM EXIST

END CITY LO ALT. (SECTION 8)
BEGIN CITY LO ALT. (SECTION 6)



[illegible]

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____

Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____

Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds); _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative

Date

****All Owners of Records must sign****

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

JULIA A. GAWLE
110 UNION ST
EASTHAMPTON, MA 01027

Re: Union Street Reconstruction Project: Project #608577 (“Project”)
Parcel ID: TE-15 (“Parcel ID”)
Property Address: 108 UNION STREET (“Property”)

Dear Resident:

As you are aware, the City of Easthampton (“City”) is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City’s Written Offer to acquire a **Temporary Construction Easement (5 Years)** (collectively “Easement”) over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the “Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans” and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer’s Office and on the City’s website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City’s approved Offer of Fair Compensation for the Easement is \$2,180.00 (“Offer”).

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser (“Appraisal”). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

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JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Julia A. Gawle

MAILING ADDRESS:

110 Union Street, Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

108-112 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-32-2, 53-32-2-5, 53-32-3

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 22,216 square feet or 0.51 acres which, according to Assessor's records, is improved with a single-story retail building and a two-story mixed-use building which share a party wall which were constructed in 1997 and 1999 with a total of approximately 21,999 square feet of gross building area; 8,596 square feet and 13,403 square feet, respectively.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-32-2, 53-32-2-5, 53-32-3	807 SF	TE-15	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET AND THE NORTHERLY SIDE OF PAYSON AVENUE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 9' +/- AND A LENGTH OF APPROXIMATELY 105' +/- ALONG THE UNION STREET FRONTAGE. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

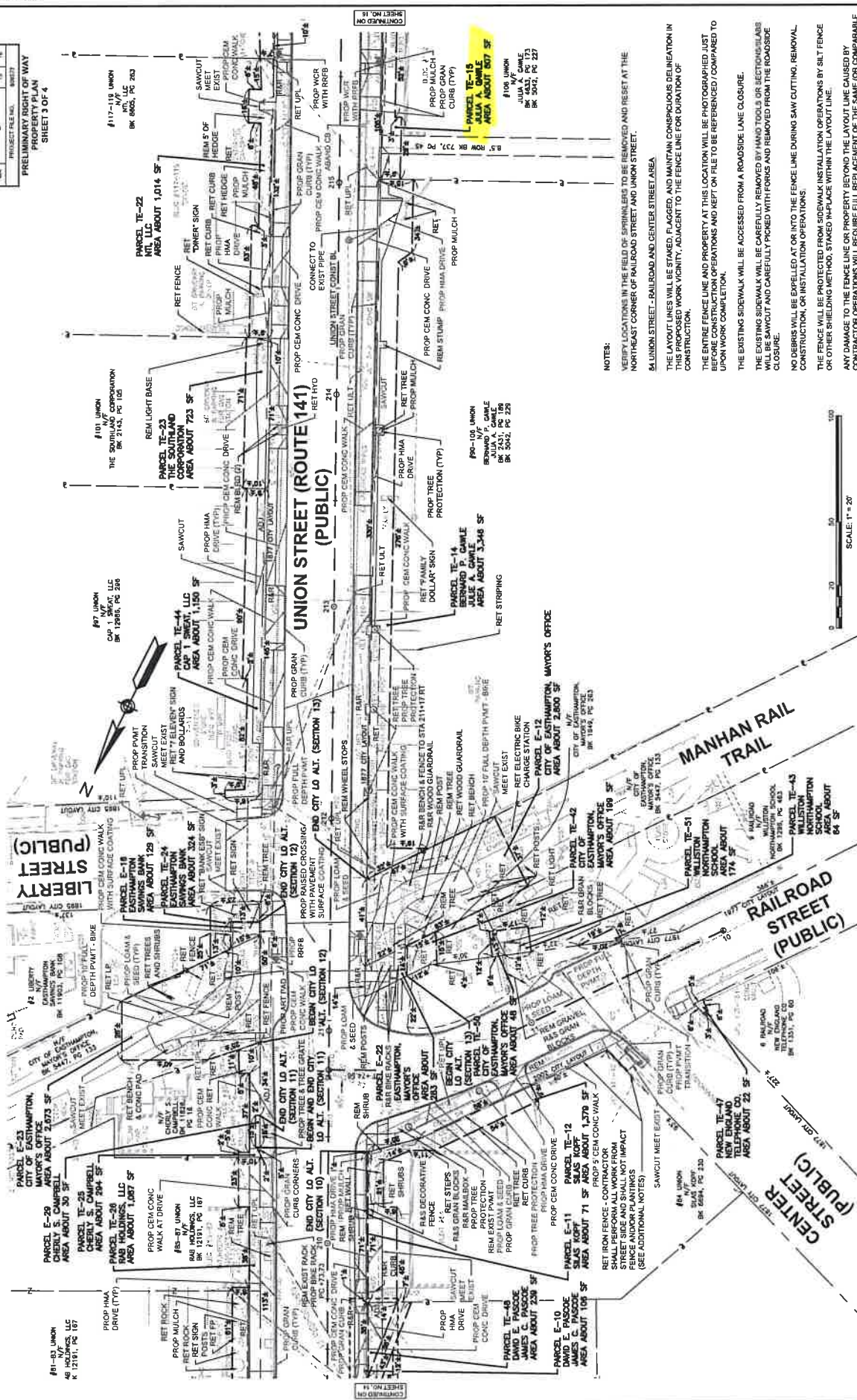
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
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None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$2,180**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$2,180**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

STATE	#29 442 0000 440	SWIFT NO.	WITAL 040210
NA	-	15	16
PROJECT FILE NO.			00000

EASTHAMPTON
UNION STREET

INARY RIGHT OF WAY
PROPERTY PLAN
SHEET 3 OF 4



NOTES:

VERIFY LOCATIONS IN THE FIELD OF SPRINKLERS TO BE REMOVED AND RESET AT THE
NORTHEAST CORNER OF RAILROAD STREET AND UNION STREET.

4 UNION STREET - RAIL ROAD AND CENTER STREET AREA

THE LAYOUT LINES WILL BE STAKED, FLAGGED, AND MAINTAIN CONSPICUOUS DELINEATION IN THIS PROPOSED WORK VICINITY, ADJACENT TO THE FENCE LINE FOR DURATION OF CONSTRUCTION.

THE ENTIRE FENCE LINE AND PROPERTY AT THIS LOCATION WILL BE PHOTOGRAPHED JUST BEFORE CONSTRUCTION OPERATIONS AND KEPT ON FILE TO BE REFERENCED / COMPARED TO UPON WORK COMPLETION.

THE EXISTING SIDEWALK WILL BE RE-ACCESSSED FROM A ROADSIDE LANE CLOSURE.

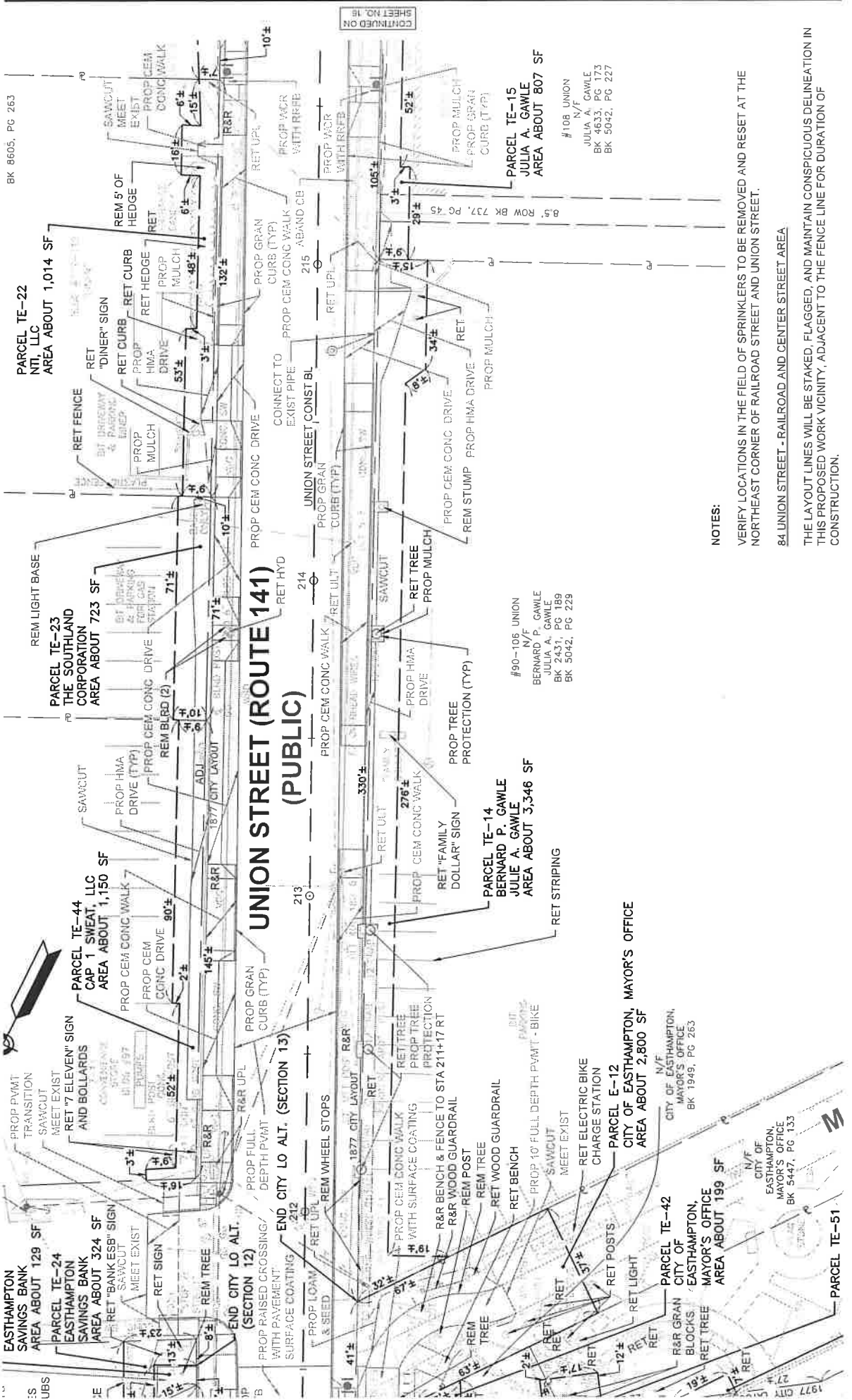
THE EXISTING SIDEWALK WILL BE CAREFULLY REMOVED BY HAND TOOLS OR SECTIONS. SLABS WILL BE SAWCUT AND CAREFULLY PICKED WITH FORKS AND REMOVED FROM THE ROADSIDE CLOSURE.

NO DEBRIS WILL BE EXPELLED AT OR INTO THE FENCE LINE DURING SAW CUTTING, REMOVAL, CONSTRUCTION, OR INSTALLATION OPERATIONS.

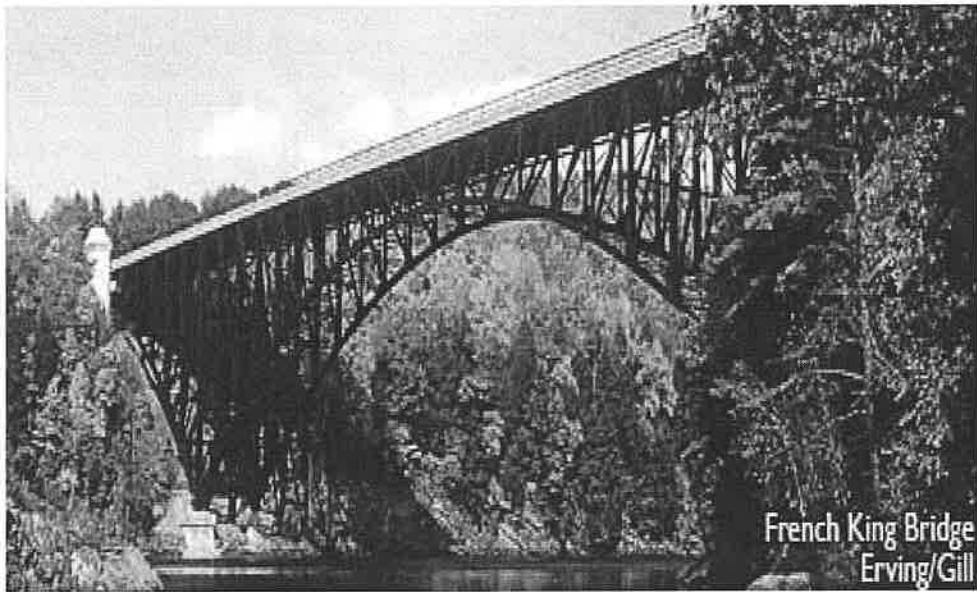
THE FENCE WILL BE PROTECTED FROM SIDEWALK INSTALLATION OPERATIONS BY SILT FENCE AND OTHER SHIELDING METHOD. STAKED IN PLACE WITHIN THE LAYOUT LINE.

ANY DAMAGE TO THE FENCE LINE OR PROPERTY BEYOND THE LAYOUT LINE CAUSED BY CONTRACTOR OPERATIONS WILL REQUIRE FULL REPLACEMENT OF THE SAME (OR COMPARABLE) APPROVED BY THE PROPERTY OWNER) IN IT'S ENTIRETY WITH ALL COSTS FOR SUCH BORNE BY THE CONTRACTOR.

SCALE: 1" = 20'



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

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When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreg.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**MITCHELL REALTY TRUST
15 PARK ST
EASTHAMPTON, MA 01027**

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: TE-31 ("Parcel ID")
Property Address: 45-47 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire an **Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$860.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Mitchell Realty Trust

MAILING ADDRESS:

15 Park Street, Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

45-47 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

52-68

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 8,276 square feet or 0.186 acres which, according to Assessor's records, is improved a single-story, two-tenanted commercial (restaurant) building which was constructed in 1910 with approximately 4,018 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
52-68	288 SF	TE-31	RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET. THE EASEMENT EXTENDS ALONG THE ENTIRETY OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 4-5' +/- AND A LENGTH OF APPROXIMATELY 59' +/- ALONG UNION STREET.
			INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

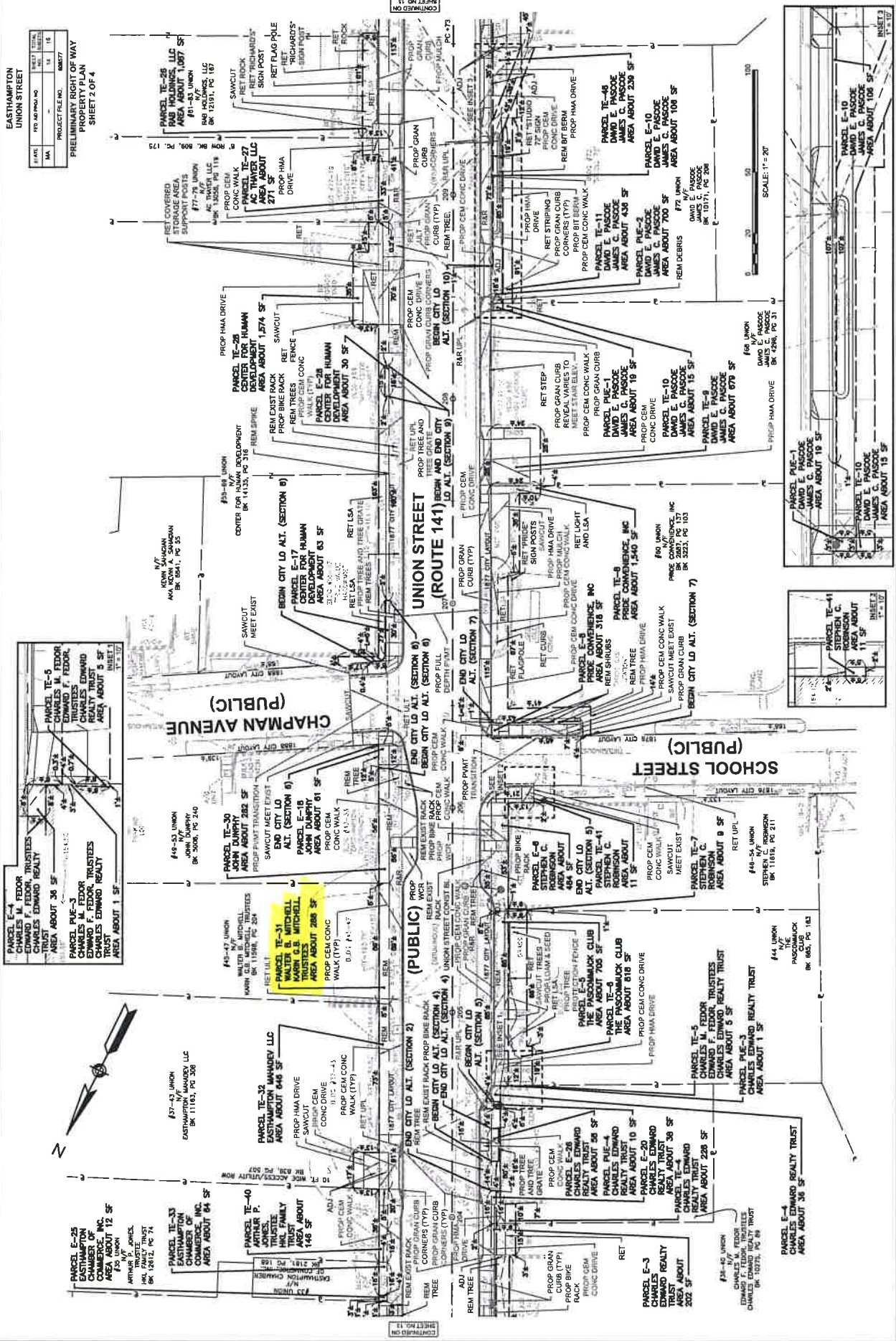
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: \$860
- (7) Damages to the remaining real property: (if none, so state) None
- (8) Final estimate of value: \$860
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

EASTHAMPTON
UNION STREET

DATE	7/25/13	BY	WJ
PROJECT FILE NO.	08077		
PROJECT NAME	UNION STREET		
PROJECT LOCATION	UNION STREET		
PROJECT SCALE	1" = 20'		

PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 2 OF 4



#37-43 UNION

N/F

EASTHAMPTON MAHADEV LLC

BK 11163, PG 308

PARCEL TE-32
EASTHAMPTON MAHADEV LLC
AREA ABOUT 646 SF

PROF HMA DRIVE

SAWCUT

PROF CEM

CONC DRIVE

BLDG #37-43

PROF CEM CONC

WALK (TYP)

RET UPL

1877 CITY LAYOUT

8' APPLE OVERHEAD WIRES

8' APPLE

8' APPLE

8' APPLE

8' APPLE

8' APPLE

8' APPLE

8' APPLE

8' APPLE

8' APPLE

8' APPLE

8' APPLE

8' APPLE

#49-53 UNION

N/F

JOHN DUNPHY

BK 5008, PG 240

PARCEL TE-30
JOHN DUNPHY
AREA ABOUT 282 SF

PROF PVMT TRANSITION

SAWCUT MEET EXIST

END CITY LO

ALT. (SECTION 6)

PARCEL E-18

JOHN DUNPHY

AREA ABOUT 61 SF

PROF CEM

CONC WALK

BLDG #49-53

"EASTHAMPTON"

"CHIROPRACTIC"

REM TREE

12'±

5'±

56'±

5'±

5'±

5'±

5'±

5'±

5'±

5'±

5'±

5'±

5'±

5'±

#45-47 UNION
N/F
WALTER B. MITCHELL
KARIN G.B. MITCHELL, TRUSTEES
BK 11598, PG 204

RET ULT

PARCEL TE-31

WALTER B. MITCHELL

KARIN G.B. MITCHELL, TRUSTEES

AREA ABOUT 288 SF

PROF CEM CONC

WALK (TYP)

BLDG #45-47

FF=183.75'

FF=183.04'

FF=183.04'

FF=183.04'

FF=183.04'

FF=183.04'

FF=183.04'

FF=183.04'

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FF=183.04'

FF=183.04'

FF=183.04'

FF=183.04'

(PUBLIC)

END CITY LO ALT. (SECTION 2)

REM TREE

REM EXIST RACK PROP BIKE RACK

1877 CITY LAYOUT

8' APPLE OVERHEAD WIRES

8' APPLE

8' APPLE

8' APPLE

8' APPLE

PROP WCR

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FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**MOUNTAIN VIEW INVESTORS LIMITED PARTNERSHIP
518 EAST ST
EASTHAMPTON, MA 01027**

**Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: E-19; TE-34 ("Parcel ID")
Property Address: 31 UNION STREET ("Property")**

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire an: **E-19 - Permanent Easement; TE-34 - Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$1,000.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division

Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME: Mountain View Investors

MAILING ADDRESS: 2518 East Street, Easthampton, MA 01027

CITY/TOWN: Easthampton, MA

F.A. PROJECT NO.: N/A

PROJECT FILE #: 608577

PROPERTY LOCATION: 31 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION: 52-61

PROPERTY DESCRIPTION: Single parcel of Downtown Business District (DB) zoned land which contains approximately 6,098 square feet or 0.14 acres which, according to Assessor's records, is improved with a single-story commercial (restaurant) use building which was constructed in 1900 with approximately 3,853 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
52-61	48 SF	E-19	RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET ALONG THE FRONTAGE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 3' +/- AND A LENGTH OF APPROXIMATELY 16' +/- ALONG UNION STREET. INTEREST ACQUIRED: PERMANENT EASEMENT
52-61	94 SF	TE-34	RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET. THE EASEMENT ABUTS E-19 ALONG UNION STREET AND EXTENDS ALONG PORTIONS OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 3-4' +/- AND A LENGTH OF APPROXIMATELY 26' +/- ALONG UNION STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

ROW Form 360 (Form Revised 6/14)

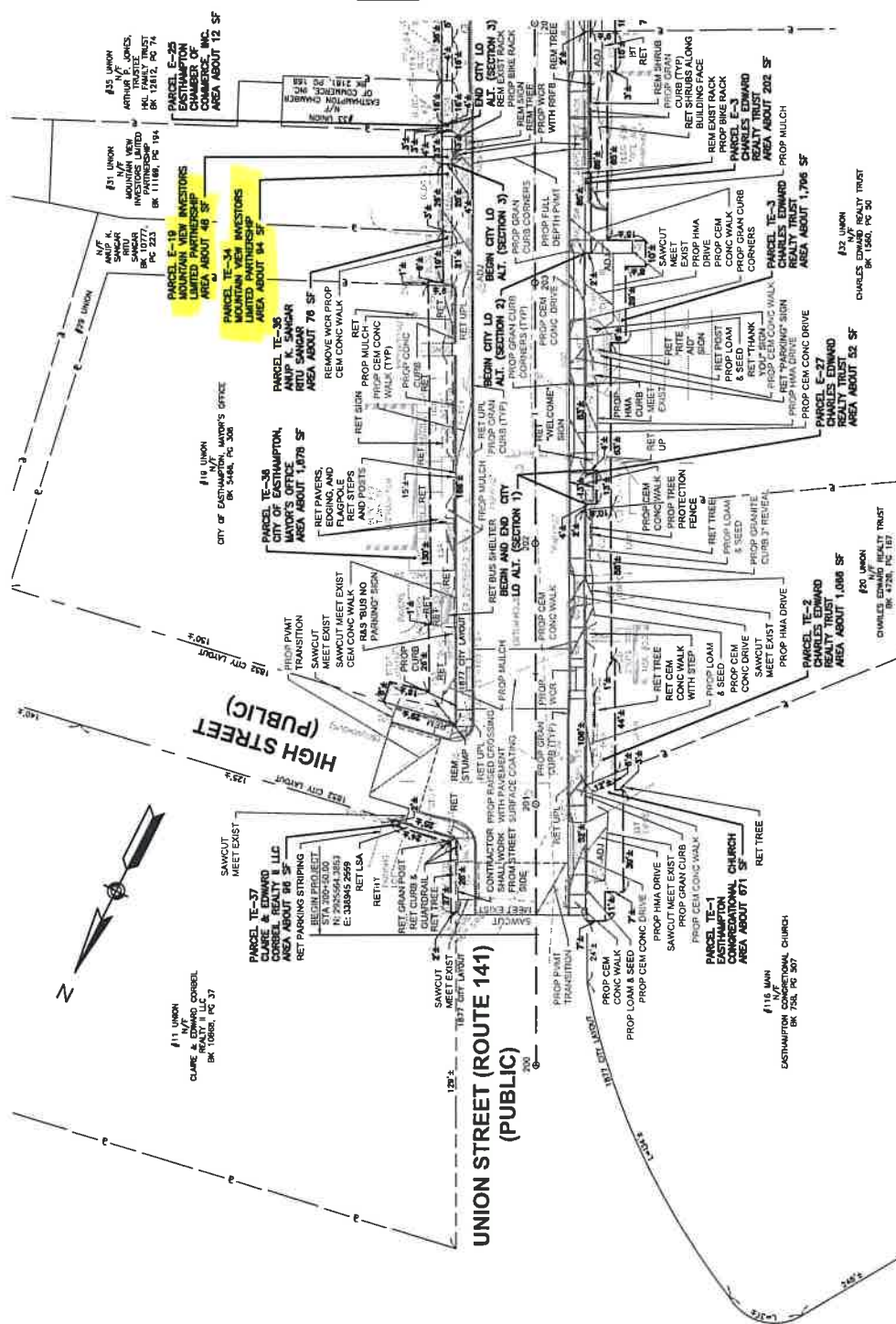
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$1,000**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$1,000**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

STATE	ITEM AND PRICE NO.	QUANTITY NO.	TOTAL AMOUNT
ALA	-	13	58
PROJECT FILE NO.			60477

EASTHAMPTON
UNION STREET

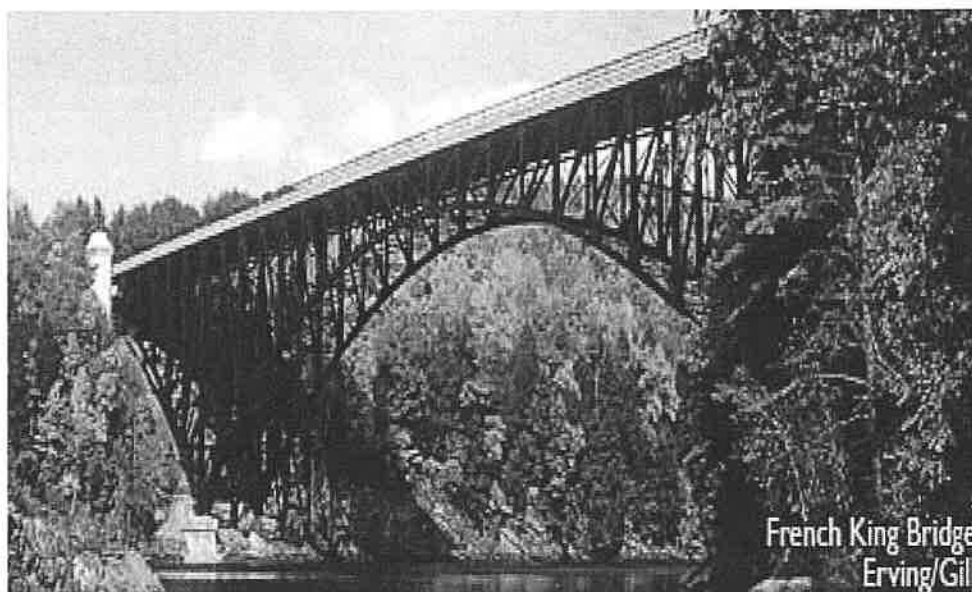
PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 1 OF 4



SCALE: 1" = 20'

SCALE: 1" = 20'

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**NEW ENGLAND TELEPHONE CO.
P.O. BOX 2749
ADDISON, TX 75001**

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: TE-47 ("Parcel ID")
Property Address: 6 RAILROAD STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire a **Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$60.00 ("Offer").

The Offer is based on an appraisal performed **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division

Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

New England Telephone Company

MAILING ADDRESS:

6 Railroad Street, Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

6 Railroad Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-42

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 22,216 square feet or 0.51 acres which, according to Assessor's records, is improved with a single-story, commercial/light industrial use building which was constructed in 1963 with approximately 10,808 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-42	22 SF	TE-47	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED AT THE NORTHEASTERN CORNER OF THE PARCEL AT THE INTERSECTION OF RAILROAD STREET AND CENTER STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 6' +/- AND A LENGTH OF APPROXIMATELY 5' +/- ALONG RAILROAD STREET AND APPROXIMATELY 3' +/- ALONG CENTER STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

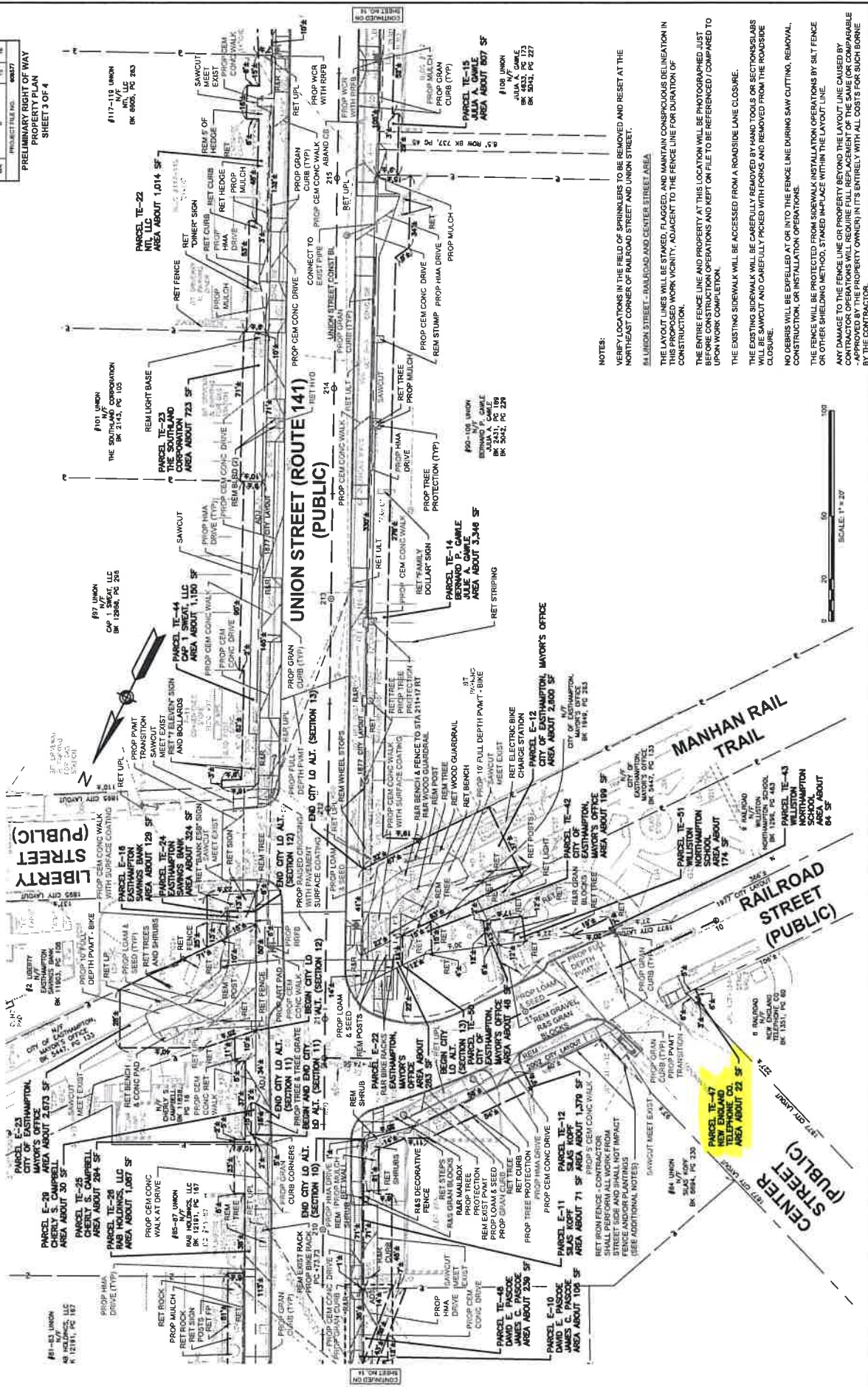
- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$60**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$60**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

STATE	TEST AD PRG NO.	INCL. NO.	WITTING SUBJECTS
MA	-	15	16

PROJECT FILE NO. **ec0577**

EASTHAMPTON
UNION STREET

MINIARY RIGHT OF WAY
PROPERTY PLAN
SHEET 3 OF 4



NOTES:

VERIFY LOCATIONS IN THE FIELD OF SPRINKLERS TO BE REMOVED AND RESET AT THE NORTHEAST CORNER OF RAILROAD STREET AND UNION STREET.

4 UNION STREET - RAILROAD AND CENTER STREET AREA

THE LAYOUT LINES WILL BE STAKED, FLAGGED, AND MAINTAIN CONSPICUOUS DELINEATION IN THIS PROPOSED WORK VICINITY, ADJACENT TO THE FENCE LINE FOR DURATION OF CONSTRUCTION.

THE ENTIRE FENCE LINE AND PROPERTY AT THIS LOCATION WILL BE PHOTOGRAPHED JUST BEFORE CONSTRUCTION OPERATIONS AND KEPT ON FILE TO BE REFERENCED / COMPARED TO UPON WORK COMPLETION.

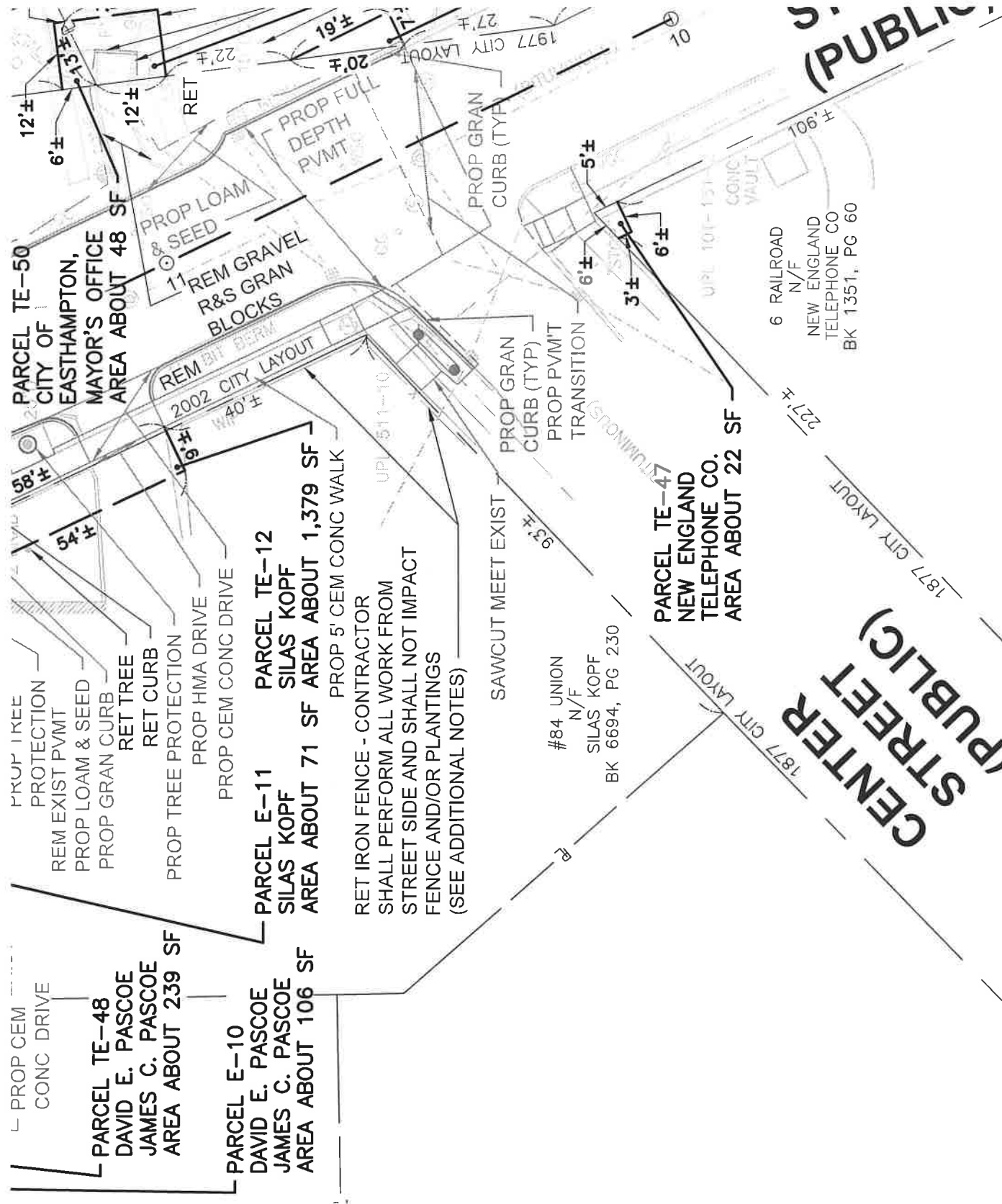
THE EXISTING SIDEWALK WILL BE ACCESSED FROM A ROADSIDE LANE CLOSURE.

THE EXISTING SIDEWALK WILL BE CAREFULLY REMOVED BY HAND TOOLS OR SECTIONS/SLABS WILL BE SAWCUT AND CAREFULLY PICKED WITH FORKS AND REMOVED FROM THE ROADSIDE CLOSURE.

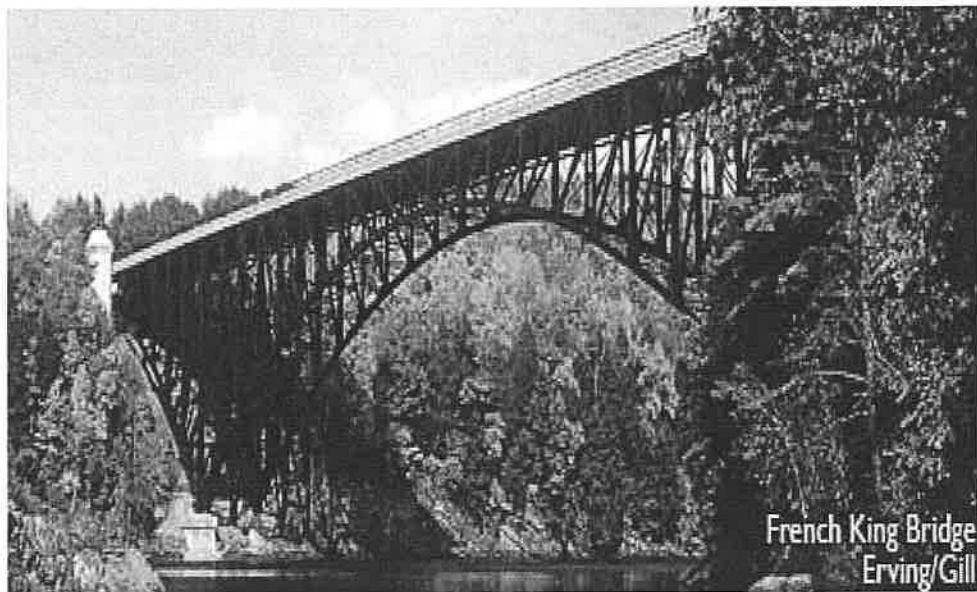
NO DEBRIS WILL BE EXPELLED AT OR INTO THE FENCE LINE DURING SAW CUTTING, REMOVAL, CONSTRUCTION, OR INSTALLATION OPERATIONS.

THE FENCE WILL BE PROTECTED FROM SIDEWALK INSTALLATION OPERATIONS BY SILT FENCE OR OTHER SHIELDING METHOD, STAKED IN-PLACE WITHIN THE LAYOUT LINE.

ANY DAMAGE TO THE FENCE LINE OR PROPERTY BEYOND THE LAYOUT LINE CAUSED BY CONTRACTOR OPERATIONS WILL REQUIRE FULL REPLACEMENT OF THE SAME (OR COMPARABLE) APPROVED BY THE PROPERTY OWNER) IN IT'S ENTIRELY WITH ALL COSTS FOR SUCH BORNE BY THE CONTRACTOR.



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

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The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**NORWICH PROPERTIES
123 UNION ST
EASTHAMPTON, MA 01027**

Re: Union Street Reconstruction Project: Project #608577 (“Project”)
Parcel ID: TE-21; TE-45 (“Parcel ID”)
Property Address: 123-133 UNION STREET (“Property”)

Dear Resident:

As you are aware, the City of Easthampton (“City”) is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City’s Written Offer to acquire an: **TE-21 - Temporary Construction Easement (5 Years); TE-45 Temporary Construction Easement (5 Years)** (collectively “Easement”) over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the “Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans” and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer’s Office and on the City’s website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City’s approved Offer of Fair Compensation for the Easement is \$1,540.00 (“Offer”).

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser (“Appraisal”). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division

Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME: Norwich Properties, LLC

MAILING ADDRESS: 123-133 Union Street, Easthampton, MA 01027

CITY/TOWN: Easthampton, MA

F.A. PROJECT NO.: N/A

PROJECT FILE #: 608577

PROPERTY LOCATION: 123-133 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION: 53-20

PROPERTY DESCRIPTION: Single parcel of Downtown Business District (DB) zoned land which contains approximately 37,987 square feet or 0.87 acres which, according to Assessor's records, is improved with a three-story, brick masonry mill building which has been converted to multi-tenanted commercial spaces which was constructed in 1855 with approximately 19,852 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-20	485 SF	TE-21	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET ON THE NORTHWESTERLY CORNER OF THE PARCEL. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 6' TO 7' +/- FOR A LENGTH OF APPROXIMATELY 62' TO 73' +/-.
			INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)
53-20	247 SF	TE-45	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET ON THE SOUTHWESTERLY CORNER OF THE PARCEL. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 7' +/- FOR A LENGTH OF APPROXIMATELY 35' TO 38' +/-.
			INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

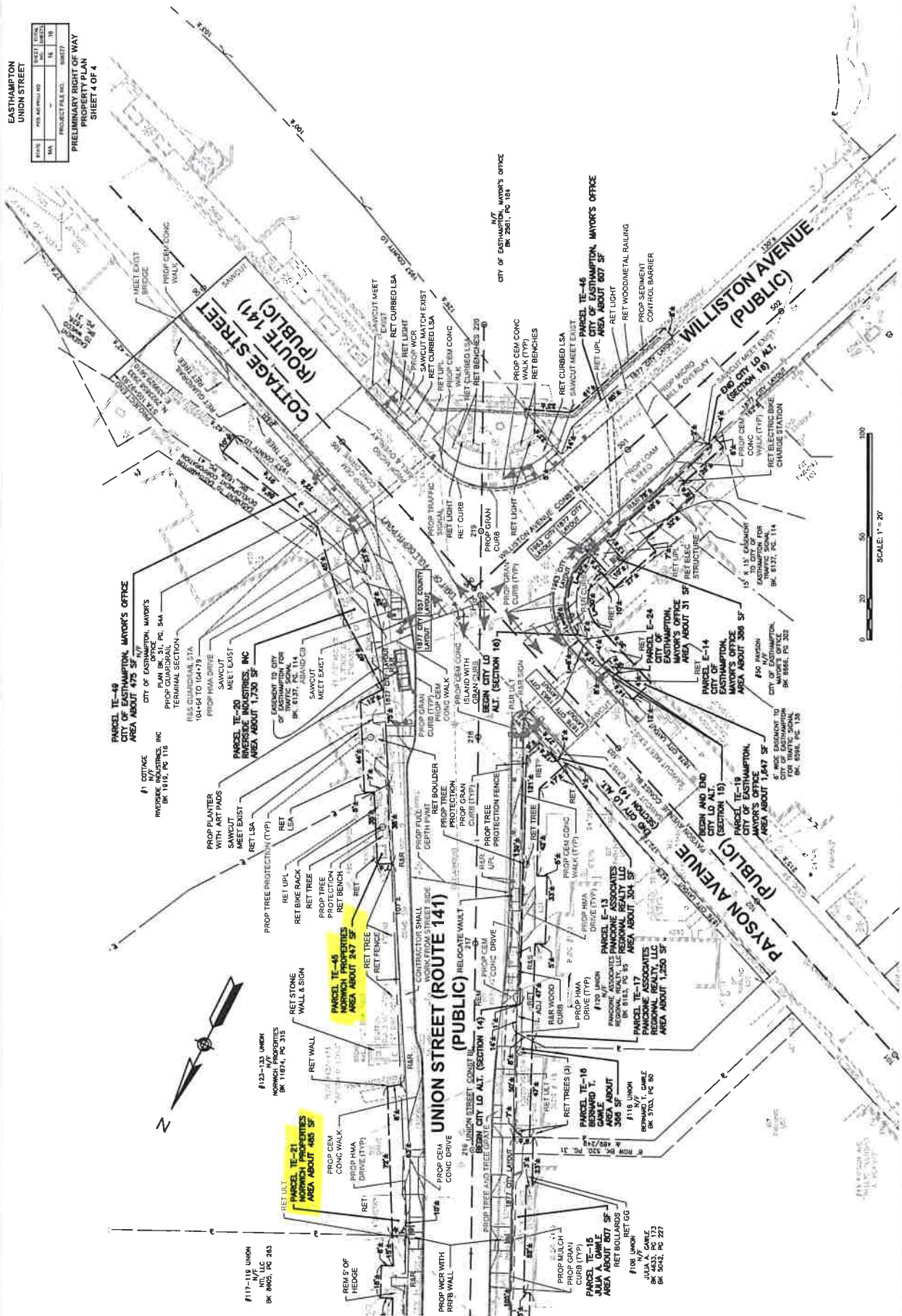
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$1,540**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$1,540**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

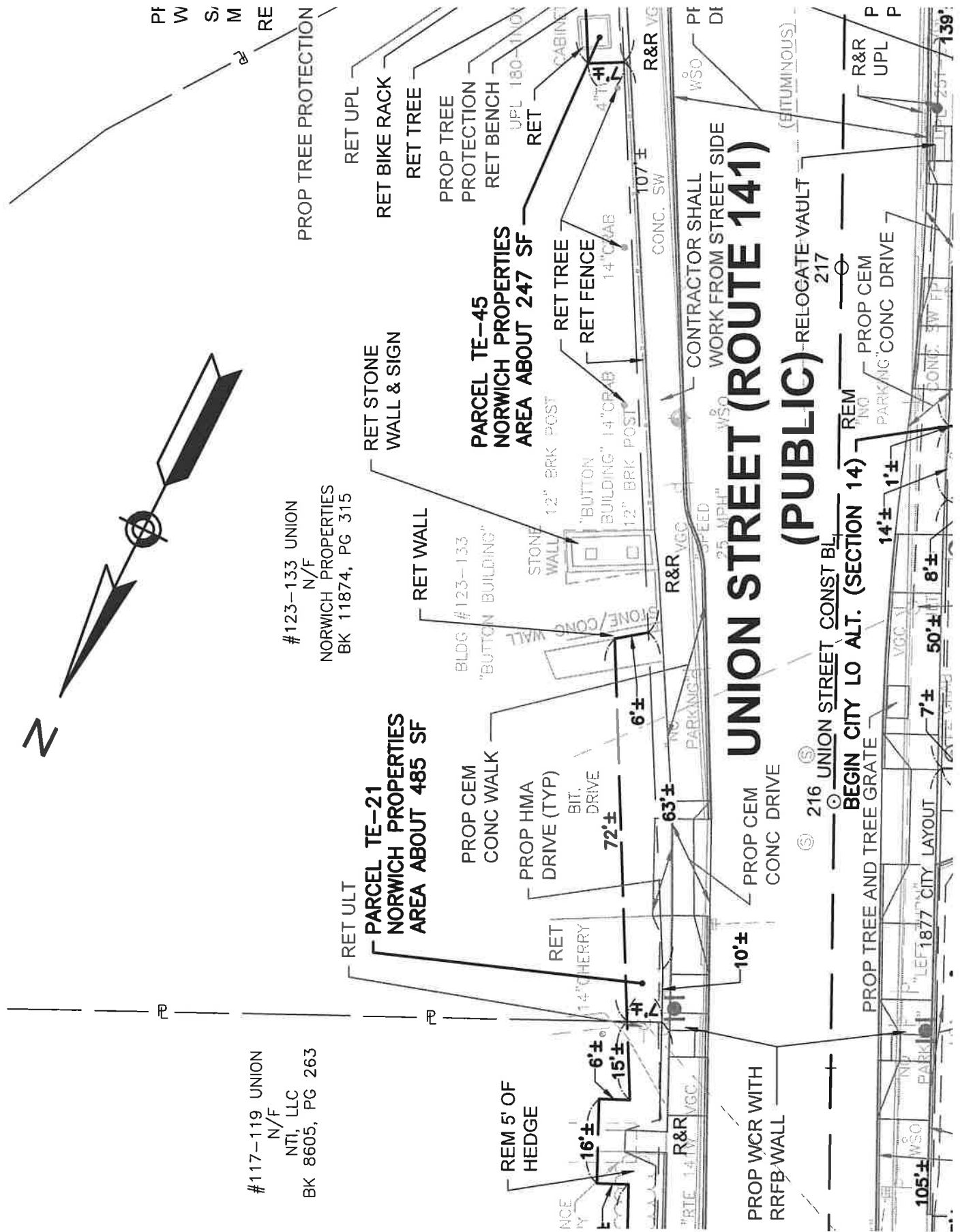
###	FED ACQUIS NO	SHEET NO.	TOTAL SHEETS
MA	-	16	10

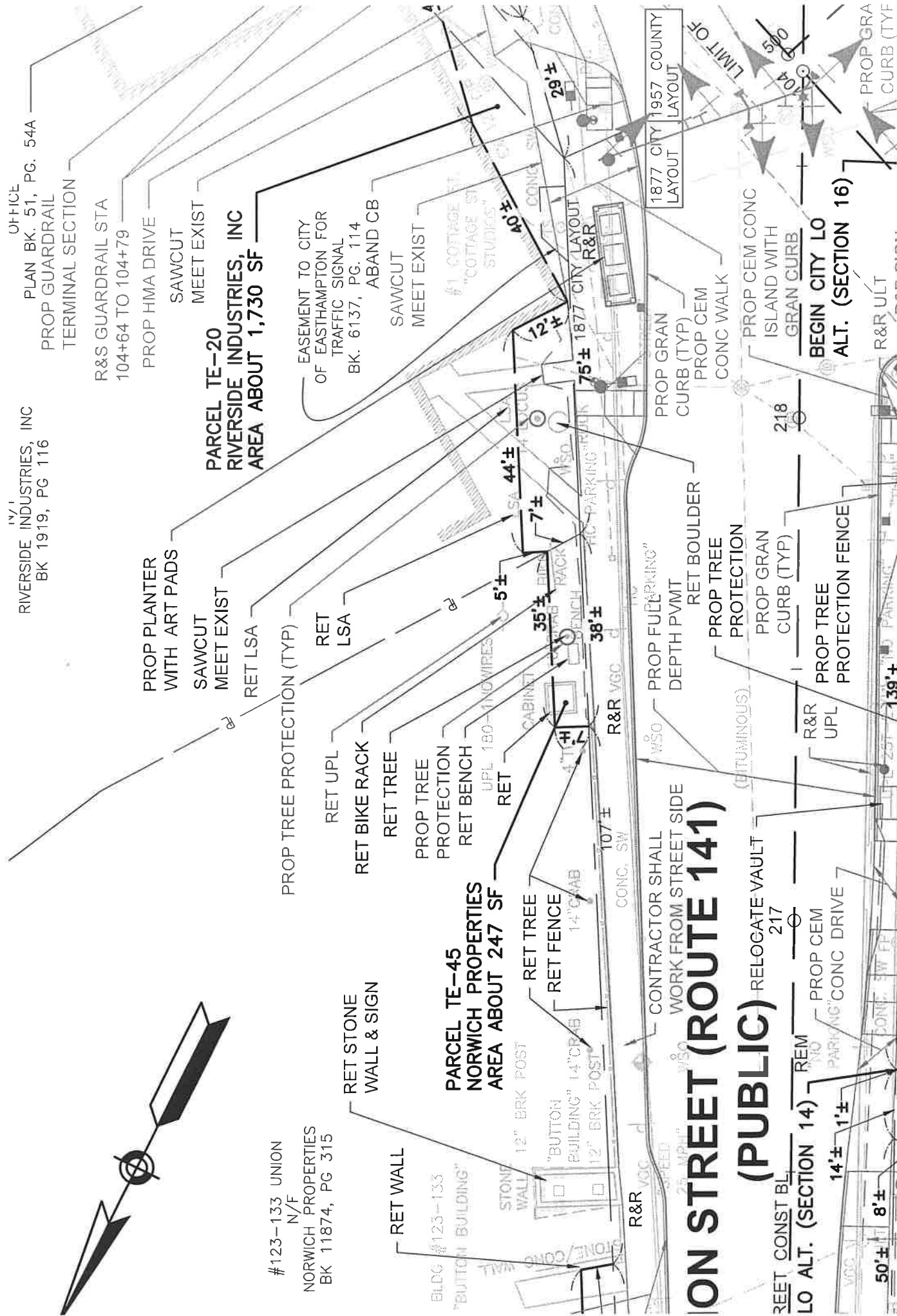
**EASTHAMPTON
UNION STREET**

**PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 4 OF 4**

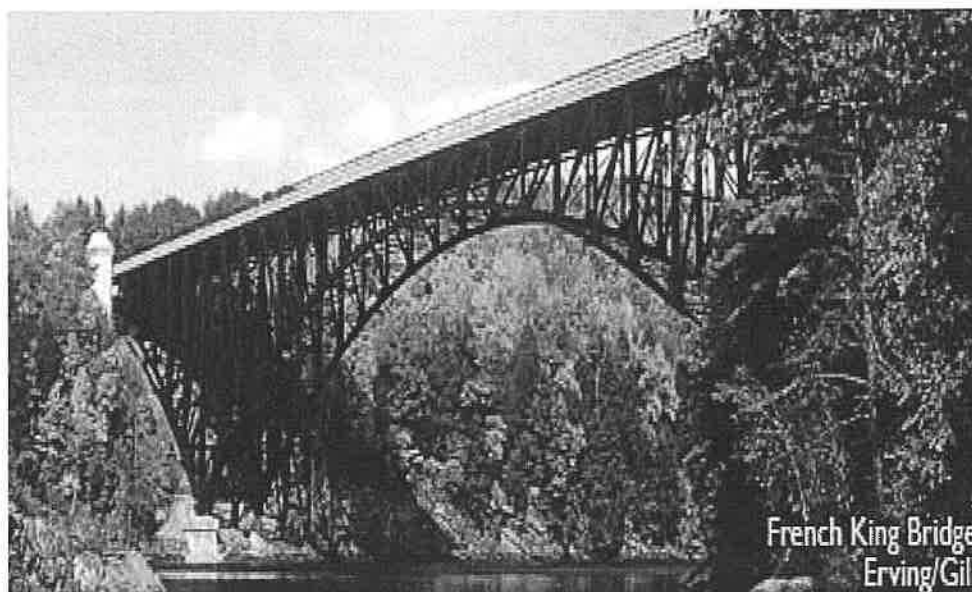


SCALE: 1" = 20'





FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

NTI, LLC
89 WEST RD UNIT 13
ELLINGTON, CT 06029

Re: Union Street Reconstruction Project: Project #608577 (“Project”)
Parcel ID: TE-22 (“Parcel ID”)
Property Address: 117-119 UNION STREET (“Property”)

Dear Resident:

As you are aware, the City of Easthampton (“City”) is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City’s Written Offer to acquire a **Temporary Construction Easement (5 Years)** (collectively “Easement”) over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the “Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans” and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer’s Office and on the City’s website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City’s approved Offer of Fair Compensation for the Easement is \$3,240.00 (“Offer”).

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser (“Appraisal”). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

NTI, LLC

MAILING ADDRESS:

89 West Road, Unit 13, Ellington, CT 06029

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

117-119 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-19

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 24,830 square feet or 0.57 acres which, according to Assessor's records, is improved with a two-story, brick restaurant building which was constructed in 1830 with approximately 5,849 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-19	1,014 SF	TE-22	IRREGULARLY SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 9' TO 15' +/- FOR A LENGTH OF APPROXIMATELY 132' +/-.
			INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

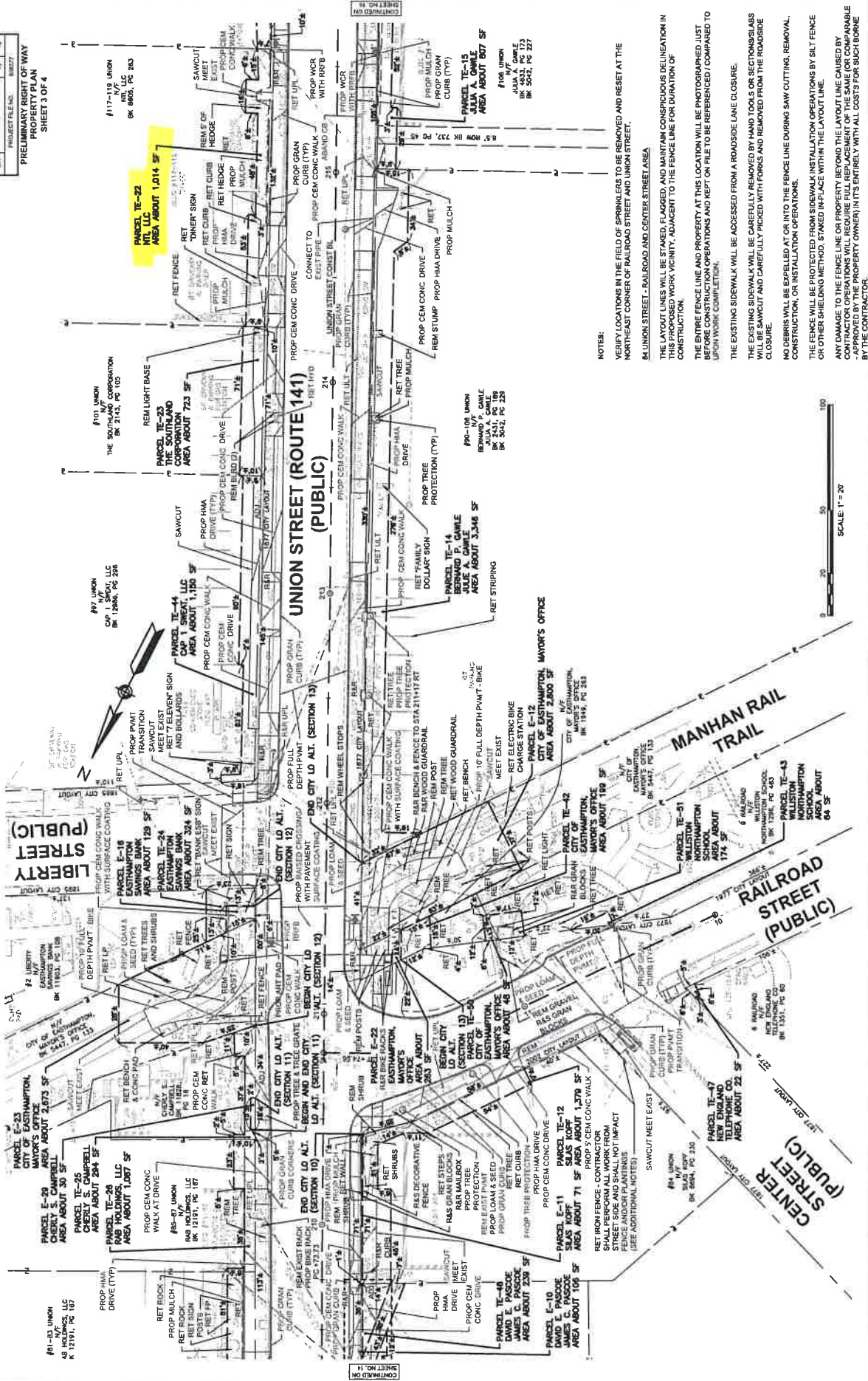
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$3,240**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$3,240**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

EASTHAMPTON
UNION STREET

DATE	BY	CHKD	APP'D
10/16/17	W.A.	W.A.	W.A.
PROJECT FILE NO.	000477		

PRELIMINARY RIGHT OF WAY
PLAN
SHEET 1 OF 4



NOTES:

VERIFY LOCATIONS IN THE FIELD OF SPRINKLERS TO BE REMOVED AND RESET AT THE NORTHEAST CORNER OF RAILROAD STREET AND UNION STREET.

M UNION STREET - RAILROAD AND CENTER STREET AREA

THE LAYOUT LINES WILL BE STAKED, FLAGGED, AND MAINTAIN CONSPICUOUS DELINEATION IN THE FIELD OF SPRINKLERS TO BE REMOVED AND RESET AT THE NORTHEAST CORNER OF RAILROAD STREET AND UNION STREET.

THE ENTIRE FENCE LINE AND PROPERTY AT THIS LOCATION WILL BE PHOTOGRAPHED JUST PRIOR TO THE START OF CONSTRUCTION OPERATIONS AND KEPT ON FILE TO BE REFERENCED TO UPON WORK COMPLETION.

THE EXISTING SIDEWALK WILL BE ACCESSIBLE FROM A ROADSIDE LANE CLOSURE. THE EXISTING SIDEWALK WILL BE CAREFULLY REMOVED BY HAND TOOLS OR SECTION SLABS WILL BE SAWCUT AND CAREFULLY PICKED UP AND REMOVED FROM THE ROADSIDE CLOSURE.

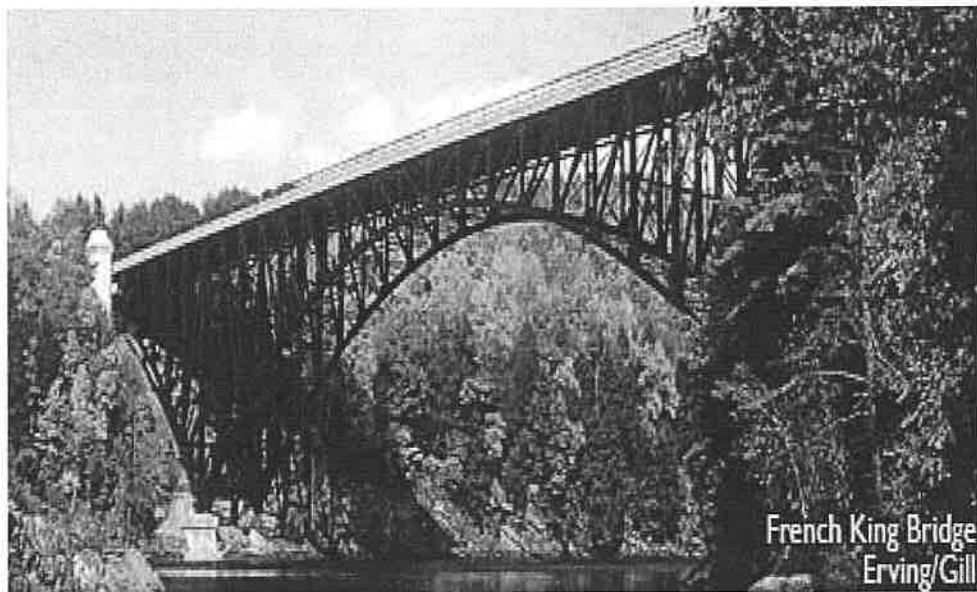
NO DEBRIS WILL BE EXPELLED AT OR INTO THE FENCE LINE DURING SAW CUTTING, REMOVAL, CONSTRUCTION, OR INSTALLATION OPERATIONS.

THE FENCE WILL BE PROTECTED FROM SIDEWALK INSTALLATION OPERATIONS BY SILT FENCE OR OTHER SHIELDING METHOD, STAKED IN PLACE WITHIN THE LAYOUT LINE.

ANY DAMAGE TO THE FENCE LINE OR PROPERTY BEYOND THE LAYOUT LINE CAUSED BY CONSTRUCTION OPERATIONS SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN EXPENSE. APPROVED BY THE PROPERTY OWNER IN ITS ENTIRETY WITH ALL COSTS FOR SUCH BORNE BY THE CONTRACTOR.

SCALE: 1" = 20'

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____

Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____

Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative

Date

****All Owners of Records must sign****

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**PANCIONE ASSOCIATES REGIONAL REALTY LLC
120 UNION ST
EASTHAMPTON, MA 01027**

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: E-13; TE-17 ("Parcel ID")
Property Address: 120 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire an: **E-13 - Permanent Easement; TE-17 - Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$7,480.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Pancione Associates Regional Realty, LLC

MAILING ADDRESS:

120 Union Street, Suite A, Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

120 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-21

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 10,890 square feet or 0.25 acres which, according to Assessor's records, is improved with a two-story, brick, mixed-use building which was constructed in 1884 with approximately 5,700 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-21	304 SF	E-13	<p>IRREGULARLY SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET AND THE NORTHERLY SIDE OF PAYSON AVENUE ALONG THE FRONTAGE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 1' +/- AND A LENGTH OF APPROXIMATELY 121' +/- ALONG UNION STREET, THEN EXTENDS TO A DEPTH OF 9' +/- AT THE SOUTHEASTERLY CORNER OF THE PARCEL FOR A LENGTH OF APPROXIMATELY 18' +/-, AND THEN TAPERS TO A DEPTH OF APPROXIMATELY 1' +/- AND A LENGTH OF APPROXIMATELY 12' +/- ALONG PAYSON AVENUE.</p> <p>INTEREST ACQUIRED: PERMANENT EASEMENT</p>
53-21	1,250 SF	TE-17	<p>IRREGULARLY SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET AND THE NORTHERLY SIDE OF PAYSON AVENUE. THE EASEMENT ABUTS E-13 ALONG UNION STREET AND PAYSON AVENUE WITH A DEPTH OF APPROXIMATELY 8' TO 13' +/- FOR A LENGTH OF APPROXIMATELY 135' +/-.</p> <p>INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)</p>

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

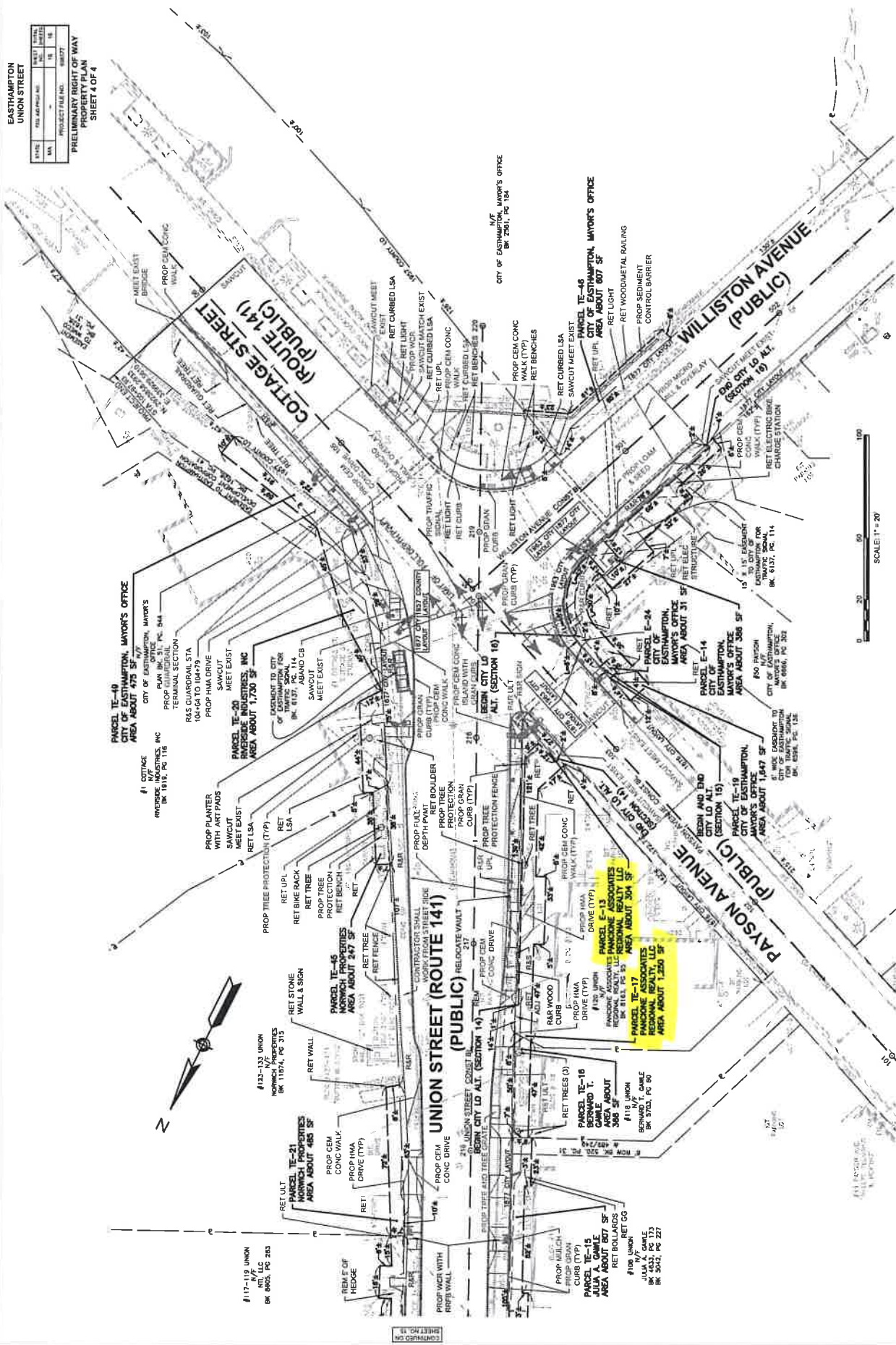
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None
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- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
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 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$7,480**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$7,480**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

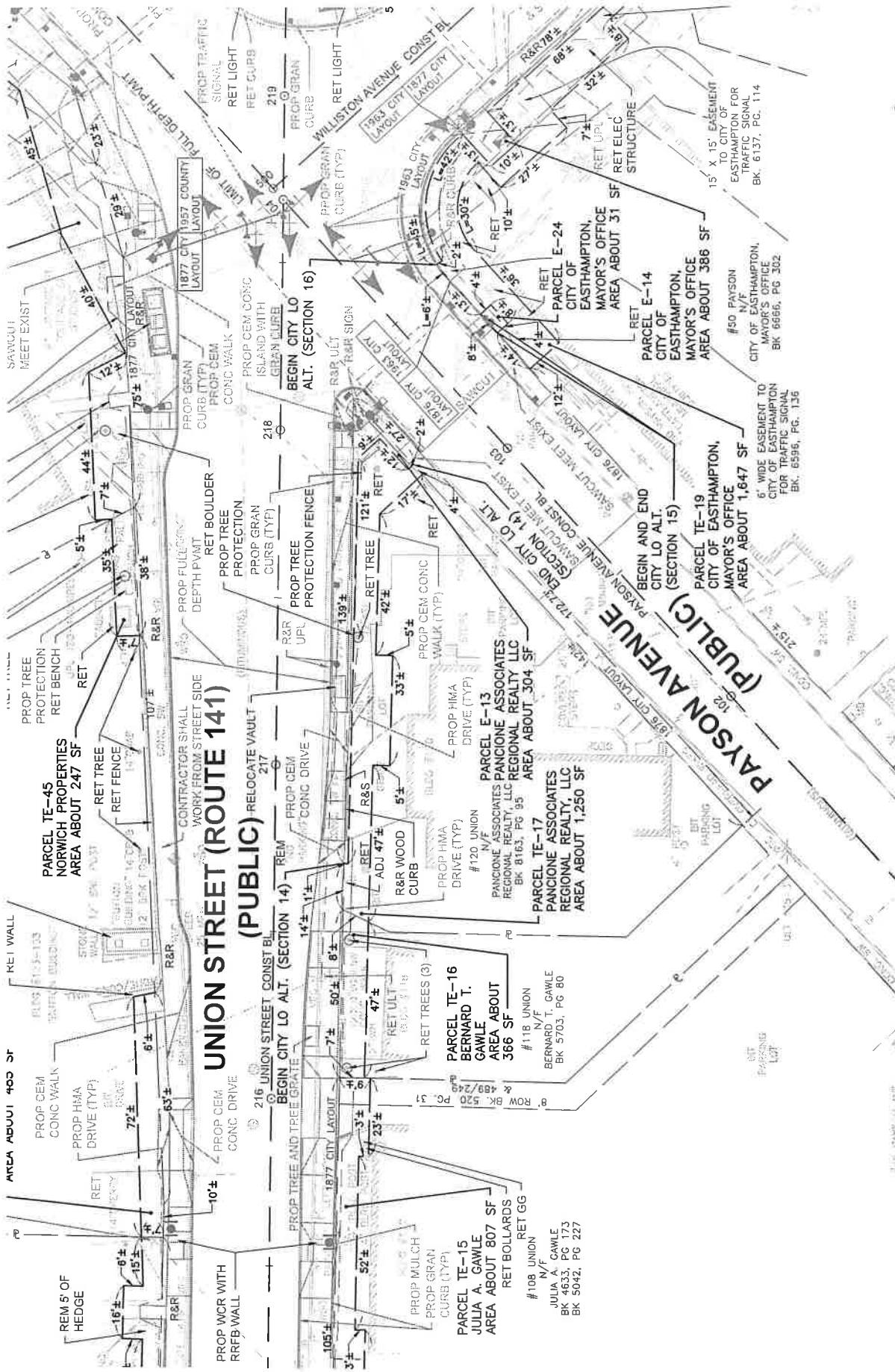
STATE	FED AID PROJ NO.	DECT NO.	TOTAL PROJECTS
MA	-	18	18

PROJECT FILE NO. 98017

EASTHAMPTON
UNION STREET

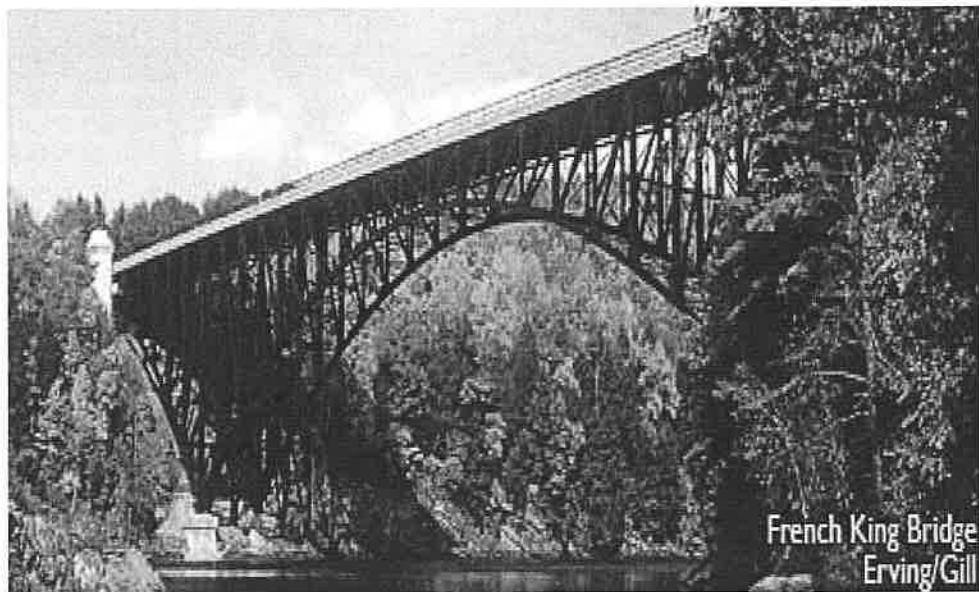
PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 4 OF 4





SHEET NO. 15
CONTINUED ON

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



French King Bridge
Erving/Gill

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

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When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____

Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____

Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative

Date

****All Owners of Records must sign****

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

PRIDE CONVENIENCE, INC
246 COTTAGE ST
SPRINGFIELD, MA 01104

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: E-8; TE-8 ("Parcel ID")
Property Address: 60 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire an: **E-8 - Permanent Easement; TE-8 - Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$9,850.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME: Pride Convenience, Inc.

MAILING ADDRESS: 246 Cottage Street, Springfield, MA 01104

CITY/TOWN: Easthampton, MA

F.A. PROJECT NO.: N/A

PROJECT FILE #: 608577

PROPERTY LOCATION: 60 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION: 53-62

PROPERTY DESCRIPTION: Single parcel of Downtown Business District (DB) zoned land which contains approximately 26,159 square feet or 0.60 acres which, according to Assessor's records, is improved with a self-service gasoline station with a convenience store and retail donut shop with a drive-thru which was constructed in 1998 with approximately 2,421 square feet of gross building area.

<u>PARCEL NO. (S)</u>		<u>AREA(S)</u>	<u>INTEREST(S) ACQUIRED</u>
PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-62	318 SF	E-8	IRREGULARLY SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET AND THE SOUTHERLY SIDE OF SCHOOL STREET ALONG THE FRONTAGE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 7' +/- AND A LENGTH OF APPROXIMATELY 43' TO 45' +/- ALONG SCHOOL STREET AND A LENGTH OF APPROXIMATELY 9' TO 10' +/- ALONG THE CORNER OF SCHOOL STREET AND UNION STREET. INTEREST ACQUIRED: PERMANENT EASEMENT
53-62	1,540 SF	TE-8	IRREGULARLY SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET AND THE SOUTHERLY SIDE OF SCHOOL STREET. THE EASEMENT ABUTS E-8 ALONG SCHOOL STREET AND EXTENDS ALONG THE ENTIRETY OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 14' +/- AND A LENGTH OF APPROXIMATELY 43' TO 45' +/- ALONG SCHOOL STREET AND A DEPTH OF APPROXIMATELY 8' TO 24' +/- FOR A LENGTH OF APPROXIMATELY 115' +/- ALONG UNION STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

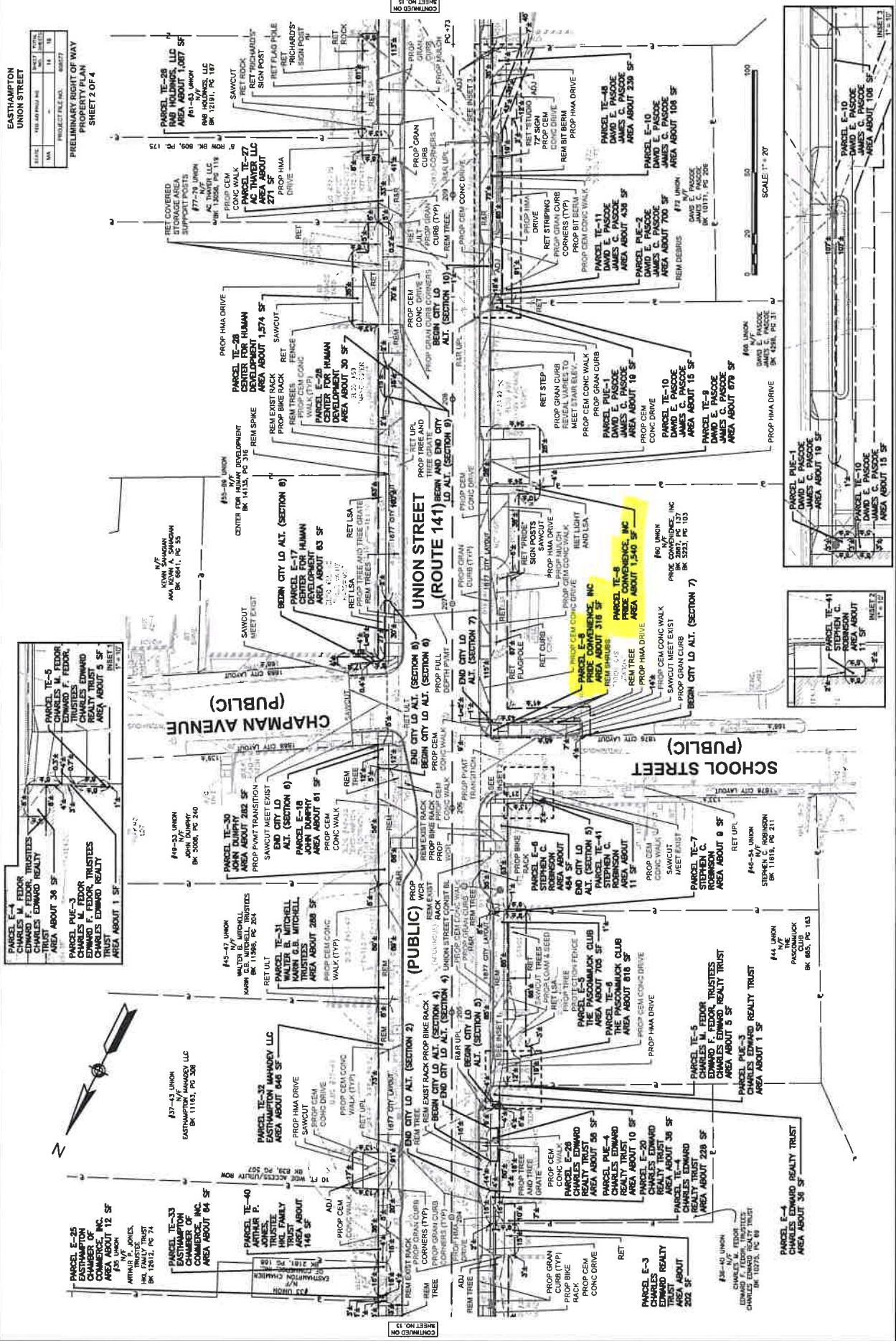
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$9,850**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$9,850**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

EASTHAMPTON
UNION STREET

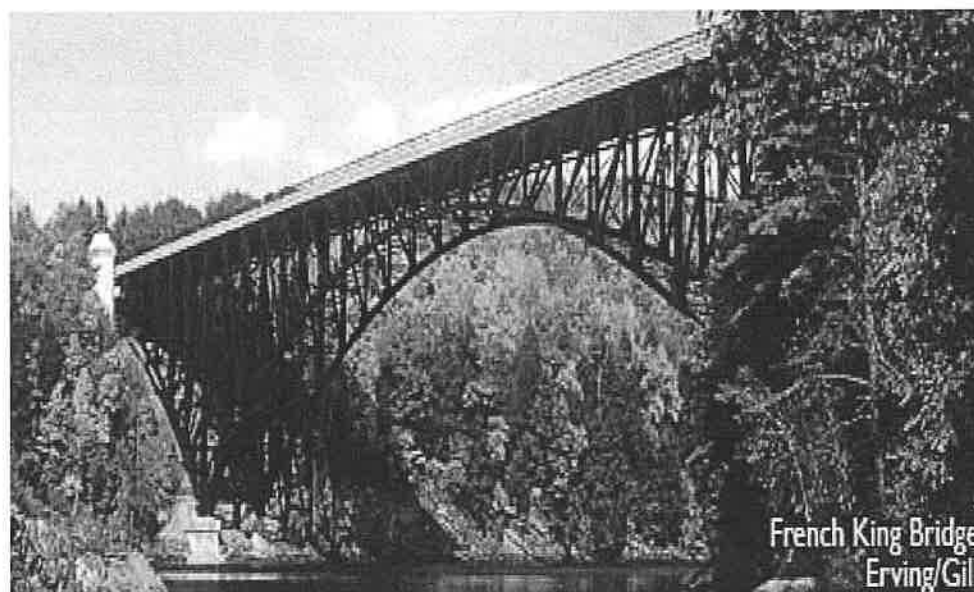
DATE	BY	APP'D	REV	DESCRIPTION
10/24/2023	JWP	PRO	1	INITIAL
10/24/2023	JWP	PL	1	INITIAL
10/24/2023	JWP	PL	1	INITIAL

PROJECT FILE NO. 04577
PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 2 OF 4



[illegible]

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



French King Bridge
Erving/Gill

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____

Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____

Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative

Date

****All Owners of Records must sign****

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

RIVERSIDE INDUSTRIES, INC.
1 COTTAGE ST
EASTHAMPTON, MA 01027

Re: Union Street Reconstruction Project: Project #608577 (“Project”)
Parcel ID: TE-20 (“Parcel ID”)
Property Address: 1 COTTAGE STREET (“Property”)

Dear Resident:

As you are aware, the City of Easthampton (“City”) is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City’s Written Offer to acquire an **Temporary Construction Easement (5 Years)** (collectively “Easement”) over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the “Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans” and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer’s Office and on the City’s website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City’s approved Offer of Fair Compensation for the Easement is \$1,040.00 (“Offer”).

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser (“Appraisal”). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Riverside Industries, Inc.

MAILING ADDRESS:

1 Cottage Street, Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

1 Cottage Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

151-165

PROPERTY DESCRIPTION:

Single parcel of Mixed-Use/Mill Industrial (MI) zoned land which contains approximately 6.55 acres which, according to Assessor's records, is improved with two, brick mill buildings which have been converted to multi-tenanted commercial spaces which were constructed in 1849 and 1955 with a total of approximately 178,124 square feet of gross building area; 174,053 square feet and 4,071 square feet, respectively.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
151-165	1,730 SF	TE-20	IRREGULARLY SHAPED PIECE OF LAND LOCATED ON THE NORTHERLY SIDE OF COTTAGE STREET AND THE EASTERLY SIDE OF UNION STREET. THE EASEMENT IS IN TWO SECTIONS FOLLOWING THE JOG OF THE BUILDING. THE FIRST SECTION IS A GENERALLY RECTANGULAR SHAPED PIECE OF LAND WHICH HAS A DEPTH OF APPROXIMATELY 12' +/- FOR A LENGTH OF APPROXIMATELY 44' +/- ALONG THE UNION STREET FRONTAGE. THE SECOND SECTION IS AN IRREGULARLY SHAPED PIECE OF WHICH BEGINS AT THE INTERSECTION OF THE UNION STREET AND COTTAGE STREET FRONTAGE AND EXTENDS IN DEPTH FROM APPROXIMATELY 1' +/- TO 20' +/- THEN TAPERS TO 1' +/- OVER A LENGTH OF APPROXIMATELY 90' +/-, THEN EXTENDS TO 10' +/- IN DEPTH FOR A LENGTH OF APPROXIMATELY 59' +/- ALONG THE COTTAGE STREET FRONTAGE. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

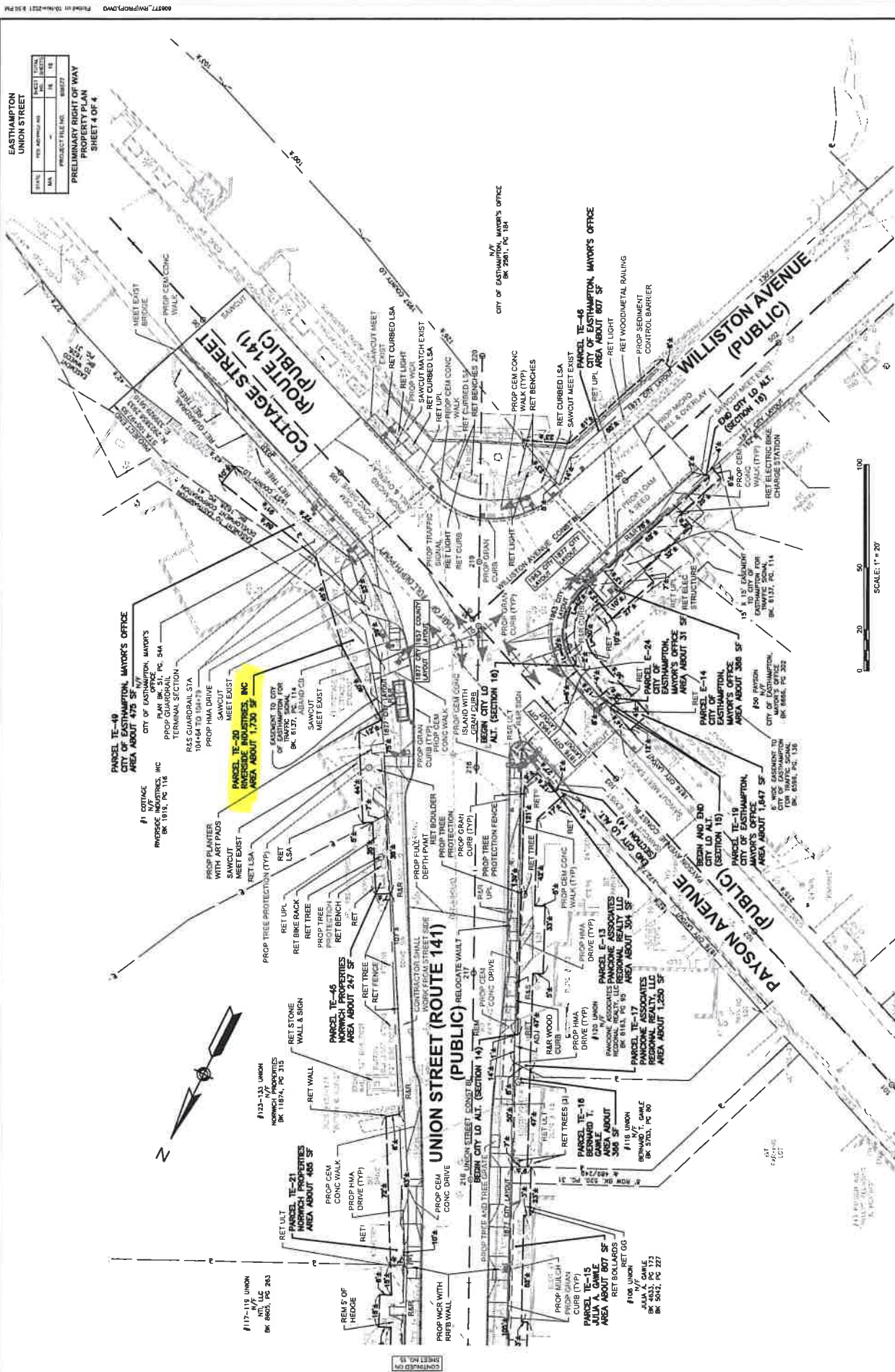
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

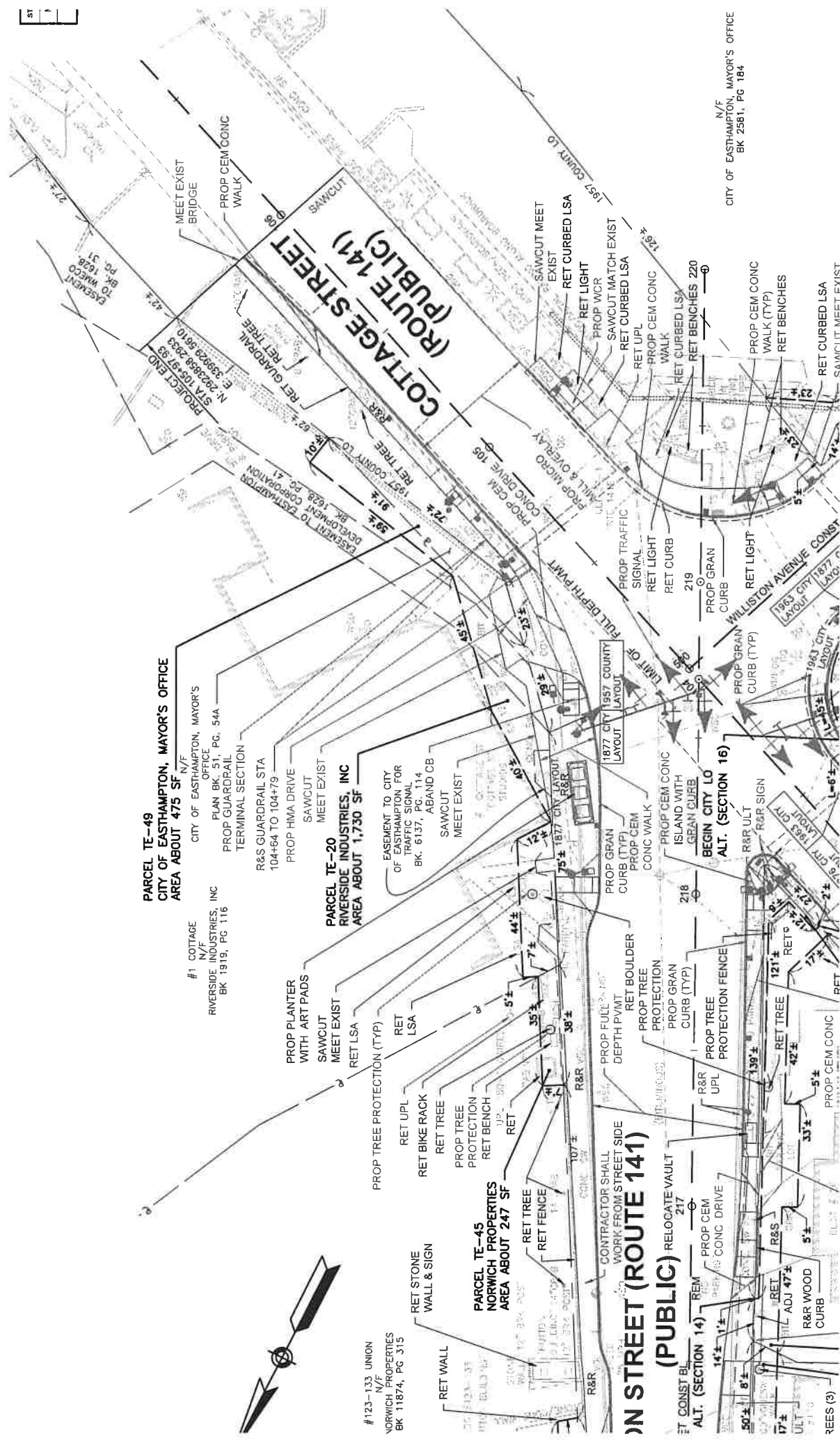
- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$1,040**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$1,040**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

STATE	PER. ACQ. FILE NO.	SHEET NO.	TOTAL SHEETS
MA	-	16	16
PROJECT FILE NO.			608177

EASTHAMPTON
UNION STREET

PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 4 OF 4





PARCEL TE-49
CITY OF EASTHAMPTON, MAYOR'S OFFICE
AREA ABOUT 475 SF

N/F
CITY OF EASTHAMPTON, MAYOR'S OFFICE
PLAN BK. 51, PG. 544
PROP GUARDRAIL
TERMINAL SECTION
R&S GUARDRAIL STA
104+64 TO 104+79
PROP HMA DRIVE
SAWCUT
MEET EXIST

PARCEL TE-20
RIVERSIDE INDUSTRIES, INC
AREA ABOUT 1,730 SF

EASEMENT TO CITY
OF EASTHAMPTON FOR
TRAFFIC SIGNAL
BK. 6137, PG. 114
ABAND CB
SAWCUT
MEET EXIST

PARCEL TE-45
NORWICH PROPERTIES
AREA ABOUT 247 SF

CONTRACTOR SHALL
WORK FROM STREET SIDE

IN STREET (ROUTE 141)

(PUBLIC) RELOCATE VAULT

RELOCATE VAULT

RELOCATE VAULT

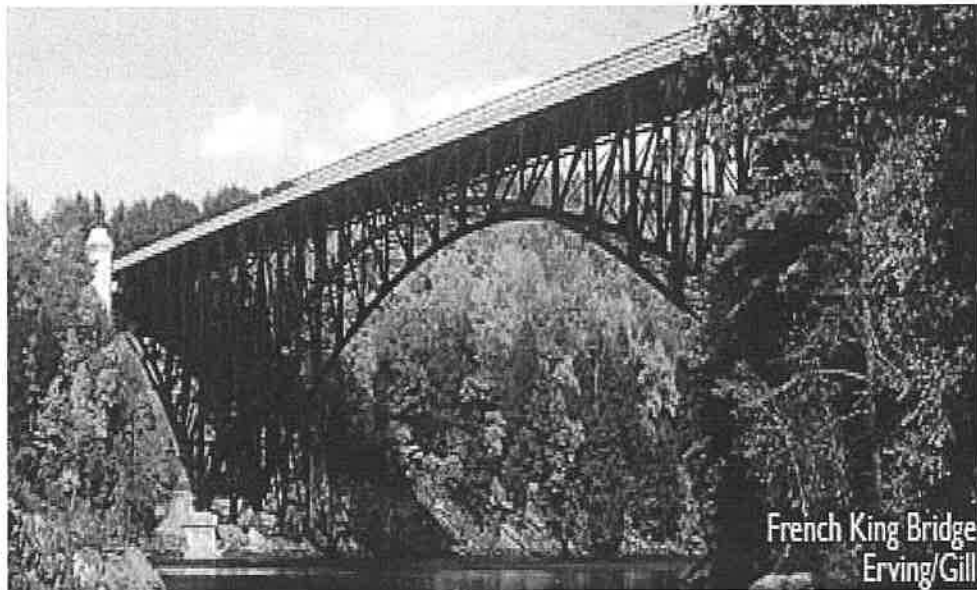
RELOCATE VAULT

RELOCATE VAULT

RELOCATE VAULT

RELOCATE VAULT

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreg.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds); _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

SILAS KOPF
20 STEARNS CT.
NORTHAMPTON, MA 01060

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: E-11; TE-12 ("Parcel ID")
Property Address: 84 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire an: **E-11 - Permanent Easement; TE-12 - Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$7,180.00 ("Offer").

The Offer is based on an appraisal performed on **October 20, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME: Silas Kopf

MAILING ADDRESS: 20 Stearns Court, Northampton, MA 01060

CITY/TOWN: Easthampton, MA

F.A. PROJECT NO.: N/A

PROJECT FILE #: 608577

PROPERTY LOCATION: 84 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION: 53-59

PROPERTY DESCRIPTION: Single parcel of Downtown Business District (DB) zoned land which contains approximately 14,315 square feet or 0.33 acres which, according to Assessor's records, is improved with a 2.5-story mixed-use former firehouse building which was constructed in 1895 with approximately 6,564 square feet of gross building area.

PARCEL NO. (S) AREA(S) INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-59	71 SF	E-11	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET ALONG THE FRONTAGE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 1' +/- AND A LENGTH OF APPROXIMATELY 71' +/-.
			INTEREST ACQUIRED: PERMANENT EASEMENT
53-59	1,379 SF	TE-12	IRREGULARLY SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET AND THE NORTHERLY SIDE OF RAILROAD STREET. THE EASEMENT ABUTS E-11 ALONG UNION STREET AND EXTENDS ALONG THE ENTIRETY OF THE UNION STREET FRONTAGE WITH A DEPTH OF APPROXIMATELY 14' +/- FOR A LENGTH OF 45' +/- THEN TAPERS TO A DEPTH OF 8' +/- FOR A LENGTH OF 21' +/- THE EASEMENT THEN EXTENDS SOUTHWESTERLY ALONG A PORTION OF THE RAILROAD STREET FRONTAGE WITH A DEPTH OF 6' TO 9' +/- FOR A LENGTH OF APPROXIMATELY 85' +/-.
			INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$7,180**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$7,180**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

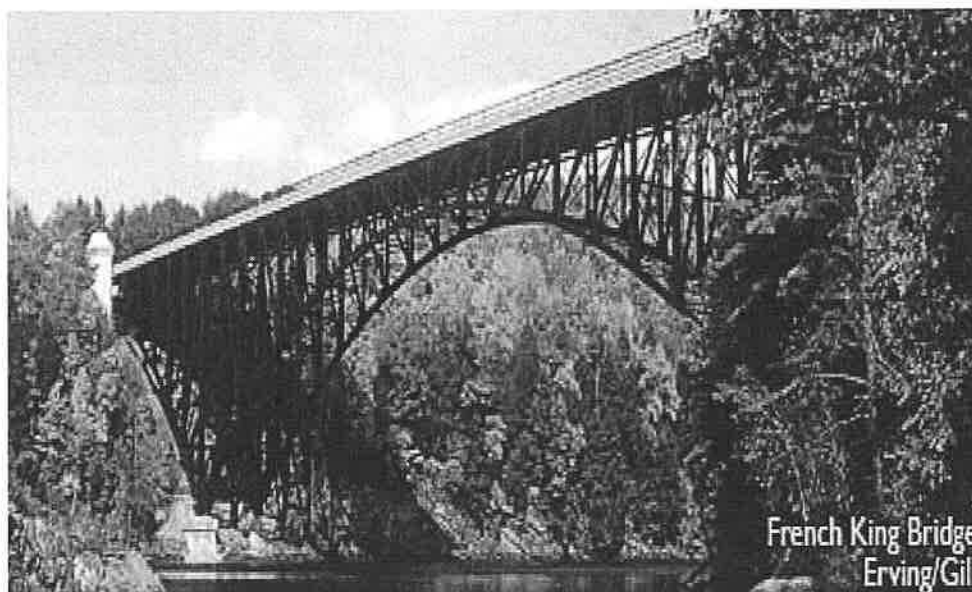
EASTHAMPTON
UNION STREET

DATE	BY	APP'D	REV	DESCRIPTION
01/01/2021	10	11	12	13
02/01/2021	14	15	16	17
03/01/2021	18	19	20	21
04/01/2021	22	23	24	25
05/01/2021	26	27	28	29
06/01/2021	30	31	32	33
07/01/2021	34	35	36	37
08/01/2021	38	39	40	41
09/01/2021	42	43	44	45
10/01/2021	46	47	48	49
11/01/2021	50	51	52	53
12/01/2021	54	55	56	57
01/02/2022	58	59	60	61
02/02/2022	62	63	64	65
03/02/2022	66	67	68	69
04/02/2022	70	71	72	73
05/02/2022	74	75	76	77
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01/03/2023	106	107	108	109
02/03/2023	110	111	112	113
03/03/2023	114	115	116	117
04/03/2023	118	119	120	121
05/03/2023	122	123	124	125
06/03/2023	126	127	128	129
07/03/2023	130	131	132	133
08/03/2023	134	135	136	137
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04/13/2033	598	599	600	601
05/13/2033	602	603	604	605
06/13/2033	606	607	608	609
07/13/2033	610	611	612	613
08/13/2033	614	615	616	617
09/13/2033	618	619	620	621
10/13/2033	622	623	624	625
11/13/2033	626	627	628	629
12/13/2033	630	631	632	633
01/14/2034	634	635	636	637
02/14/2034	638	639	640	641
03/14/2034	642	643	644	645
04/14/2034	646	647	648	649
05/14/2034	650	651	652	653
06/14/2034	654	655	656	657
07/14/2034	658	659	660	661
08/14/2034	662	663	664	665
09/14/2034	666	667	668	669
10/14/2034	670	671	672	673
11/14/2034	674	675	676	677
12/14/2034	678	679	680	681
01/15/2035	682	683	684	685
02/15/2035	686	687	688	689
03/15/2035	690	691	692	693
04/15/2035	694	695	696	697
05/15/2035	698	699	700	701
06/15/2035	702	703	704	705
07/15/2035	706	707	708	709
08/15/2035	710	711	712	713
09/15/2035	714	715	716	717
10/15/2035	718	719	720	721
11/15/2035	722	723	724	725
12/15/2035	726	727	728	729
01/16/2036	730	731	732	733
02/16/2036	734	735	736	737
03/16/2036	738	739	740	741
04/16/2036	742	743	744	745
05/16/2036	746	747	748	749
06/16/2036	750	751	752	753
07/16/2036	754	755	756	757
08/16/2036	758	759	760	761
09/16/2036	762	763	764	765
10/16/2036	766	767	768	769
11/16/2036	770	771	772	773
12/16/2036	774	775	776	777
01/17/2037	778	779	780	781
02/17/2037	782	783	784	785
03/17/2037	786	787	788	789
04/17/2037	790	791	792	793
05/17/2037	794	795	796	797
06/17/2037	798	799	800	801
07/17/2037	802	803	804	805
08/17/2037	806	807	808	809
09/17/2037	810	811	812	813
10/17/2037	814	815	816	817
11/17/2037	818	819	820	821
12/17/2037	822	823	824	825
01/18/2038	826	827	828	829
02/18/2038	830	831	832	833
03/18/2038	834	835	836	837
04/18/2038	838	839	840	841
05/18/2038	842	843	844	845
06/18/2038	846	847	848	849
07/18/2038	850	851	852	853
08/18/2038	854	855	856	857
09/18/2038	858	859	860	861
10/18/2038	862	863	864	865
11/18/2038	866	867	868	869
12/18/2038	870	871	872	873
01/19/2039	874	875	876	877
02/19/2039	878	879	880	881
03/19/2039	882	883	884	885
04/19/2039	886	887	888	889
05/19/2039	890	891	892	893
06/19/2039	894	895	896	897
07/19/2039	898	899	900	901
08/19/2039	902	903	904	905
09/19/2039	906	907	908	909
10/19/2039	910	911	912	913
11/19/2039	914	915	916	917
12/19/2039	918	919	920	921
01/20/2040	922	923	924	925
02/20/2040	926	927	928	929
03/20/2040	930	931	932	933
04/20/2040	934	935	936	937
05/20/2040	938	939	940	941
06/20/2040	942	943	944	945
07/20/2040	946	947	948	949
08/20/2040	950	951	952	953
09/20/2040	954	955	956	957
10/20/2040	958	959	960	961
11/20/2040	962	963	964	965
12/20/2040	966	967	968	969
01/21/2041	970	971	972	973
02/21/2041				





FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



French King Bridge
Erving/Gill

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**STEPHEN C. ROBINSON
P.O. BOX 3220
AMHERST, MA 01004**

**Re: Union Street Reconstruction Project: Project #608577 (“Project”)
Parcel ID: E-6; TE-7; TE-41 (“Parcel ID”)
Property Address: 46-54 UNION STREET (“Property”)**

Dear Resident:

As you are aware, the City of Easthampton (“City”) is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City’s Written Offer to acquire an: **E-6 - Permanent Easement; TE-7 - Temporary Construction Easement (5 Years); TE-41 - Temporary Construction Easement (5 Years)** (collectively “Easement”) over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the “Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans” and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer’s Office and on the City’s website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City’s approved Offer of Fair Compensation for the Easement is \$7,320.00 (“Offer”).

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser (“Appraisal”). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division

Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

Stephen C. Robinson, Robinson Properties

MAILING ADDRESS:

247 Northampton Street, Suite 13,
Easthampton, MA 01027

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

46-54 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

52-70

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 8,712 square feet or 0.20 acres which, according to Assessor's records, is improved with a two-story mixed-use building which was constructed in 1894 with approximately 7,029 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

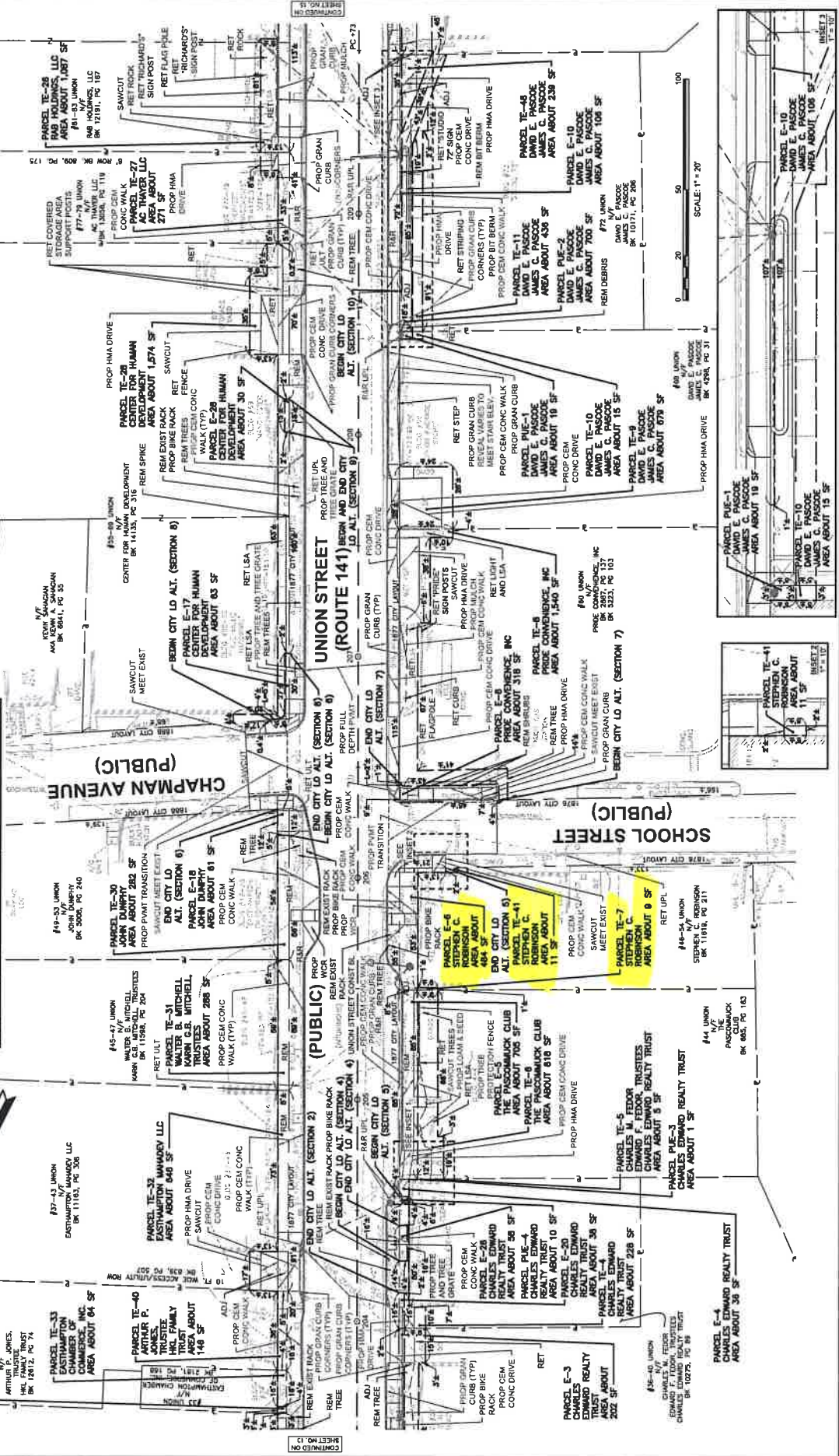
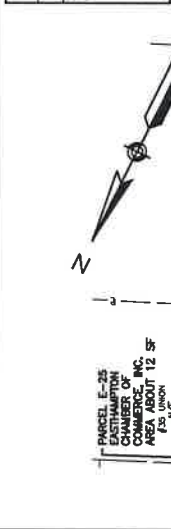
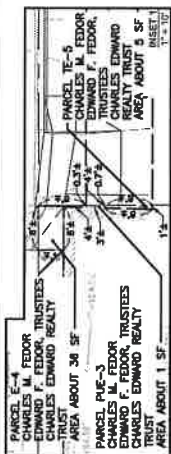
INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
52-70	484 SF	E-6	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ALONG THE WESTERLY SIDE OF UNION STREET. THE EASEMENT EXTENDS ALONG THE ENTIRETY OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 9' +/- AND A LENGTH OF APPROXIMATELY 53' +/- ALONG UNION STREET. INTEREST ACQUIRED: PERMANENT EASEMENT
52-70	9 SF	TE-7	RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET. THE EASEMENT ABUTS E-6 ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 9' +/- AND A LENGTH OF APPROXIMATELY 1' +/- ALONG UNION STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)
52-70	11 SF	TE-41	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE NORTHERN SIDE OF SCHOOL STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 2' +/- AND A LENGTH OF APPROXIMATELY 5' +/- ALONG SCHOOL STREET. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

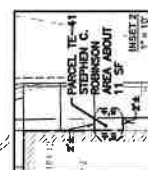
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

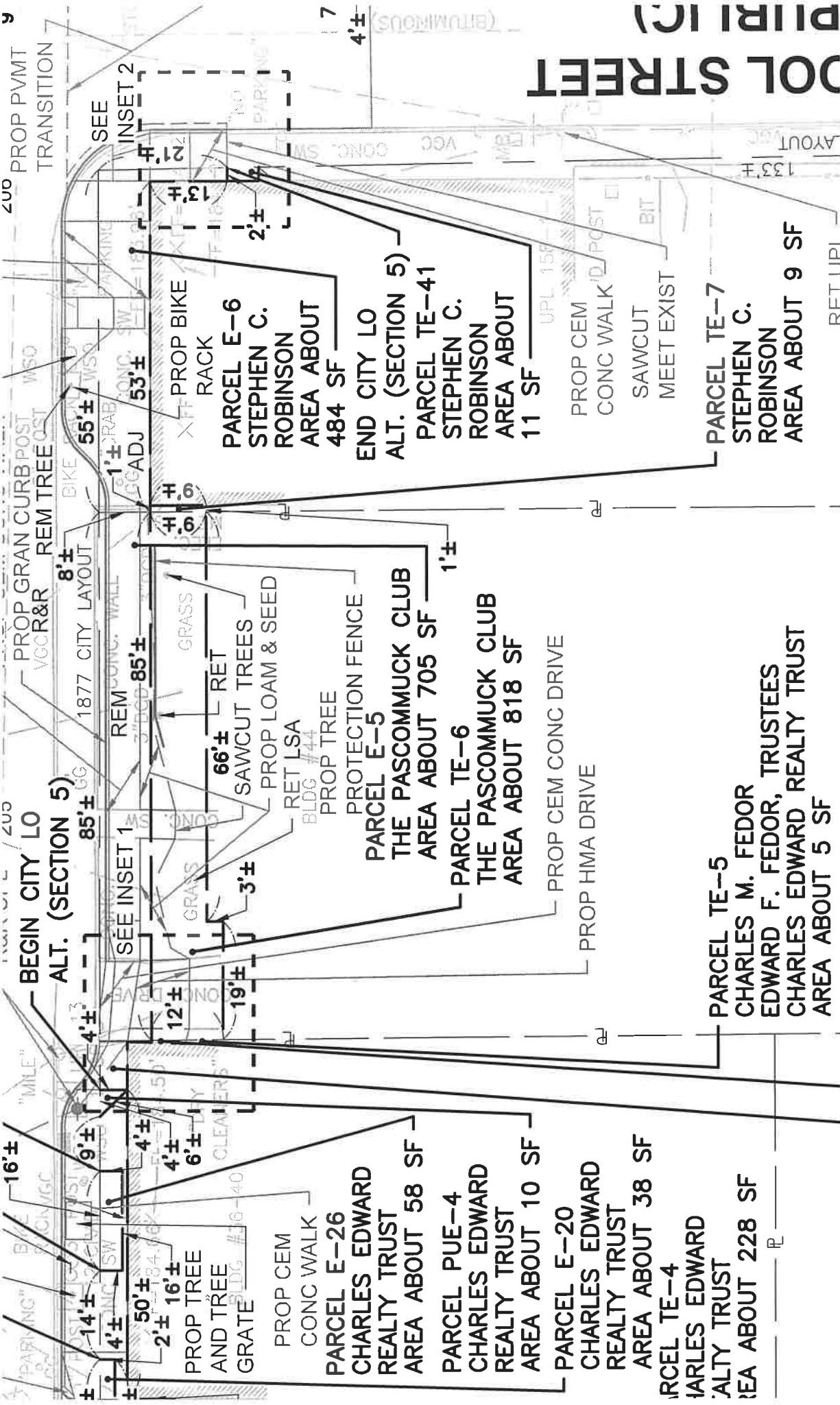
- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state): None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$7,320**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$7,320**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

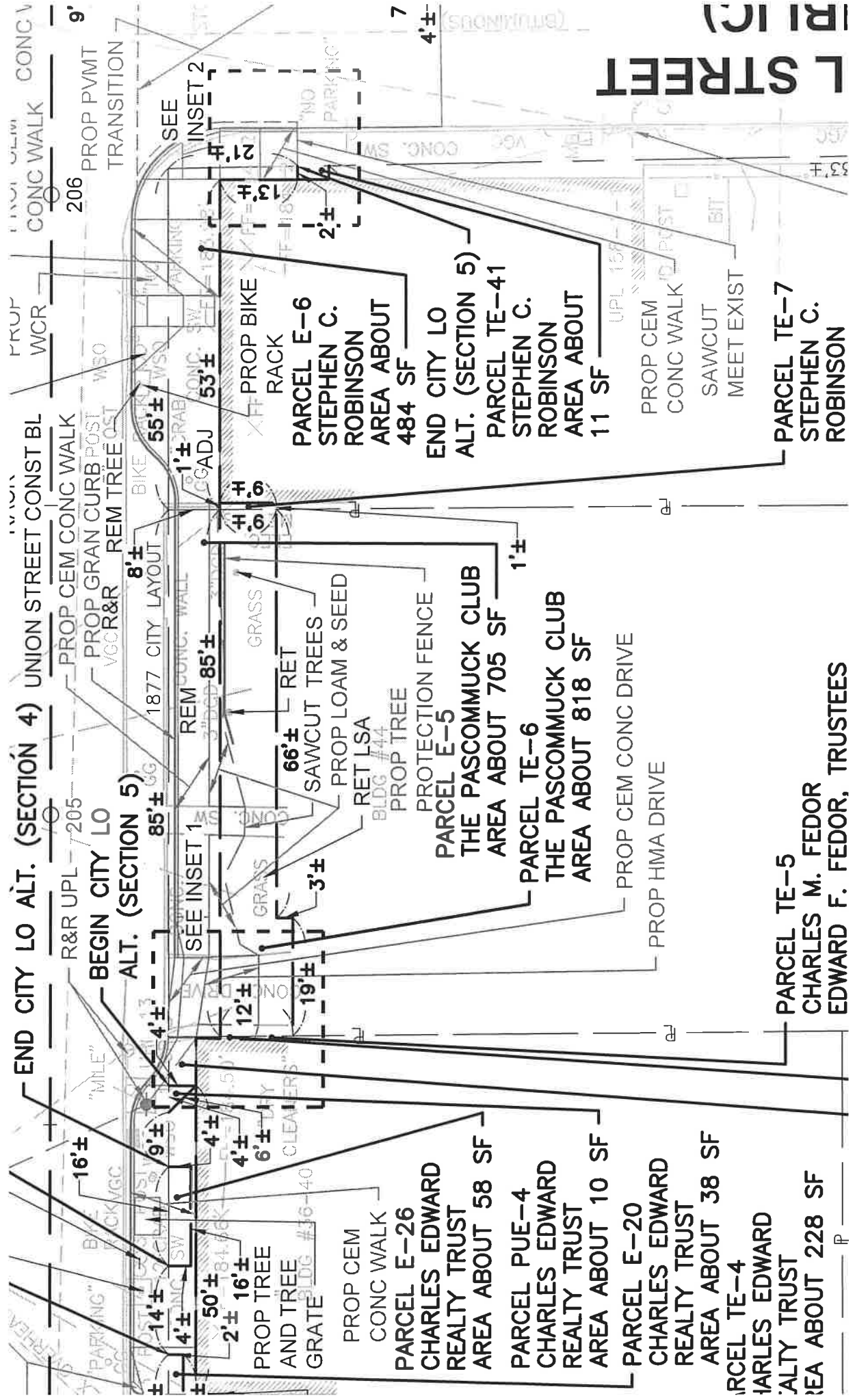
EASTHAMPTON UNION STREET			
DATE	BY	APP'D	SCALE
10/27/2021	10/27/2021	10/27/2021	10/27/2021
PRELIMINARY RIGHT OF WAY PROPERTY PLAN SHEET 2 OF 4			



SCALE: 1" = 20'







FINIDE CONVENIENCE, INC.
AREA ABOUT 1,540 SF

REM TREE
PROP HMA DRIVE
4'±
PROP CEM CONC W
WCUT MEET EXIST
P GRAN CURB

BEGIN CITY LO ALT. (SECTION 7)

#46-54 UNION
N/F

CONC.
ISLAND

1876 CITY

2025

2

INSET 2
1" = 10'

TPARCEL TE-10
DAVID E. PASCOE
-JAMES C. PASCOE
AREA ABOUT 15

FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



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Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
All Owners of Records must sign

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

**THE PASCOMMUCK CLUB
P.O. BOX 22
EASTHAMPTON, MA 01027**

Re: Union Street Reconstruction Project: Project #608577 (“Project”)
Parcel ID: E-5; TE-6 (“Parcel ID”)
Property Address: 44 UNION STREET (“Property”)

Dear Resident:

As you are aware, the City of Easthampton (“City”) is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City’s Written Offer to acquire an: **E-5 - Permanent Easement; TE-6 - Temporary Construction Easement (5 Years)** (collectively “Easement”) over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the “Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans” and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer’s Office and on the City’s website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City’s approved Offer of Fair Compensation for the Easement is \$11,730.00 (“Offer”).

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser (“Appraisal”). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME: The Pascommuck Club

MAILING ADDRESS: 44 Union Street, Easthampton, MA 01027

CITY/TOWN: Easthampton, MA

F.A. PROJECT NO.: N/A

PROJECT FILE #: 608577

PROPERTY LOCATION: 44 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION: 52-71

PROPERTY DESCRIPTION: Single parcel of Downtown Business District (DB) zoned land which contains approximately 13,068 square feet or 0.30 acres which, according to Assessor's records, is improved with a two-story fraternal use building which was constructed circa 1900 with approximately 3,034 square feet of gross building area.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
52-71	705 SF	E-5	RECTANGULAR SHAPED PIECE OF LAND LOCATED ALONG THE WESTERLY SIDE OF UNION STREET. THE EASEMENT EXTENDS ALONG THE ENTIRETY OF THE FRONTAGE ALONG UNION STREET. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 8' +/- AND A LENGTH OF APPROXIMATELY 85' +/- ALONG UNION STREET. INTEREST ACQUIRED: PERMANENT EASEMENT
52-71	818 SF	TE-6	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE WESTERLY SIDE OF UNION STREET. THE EASEMENT ABUTS E-5 ALONG UNION STREET AND EXTENDS ALONG THE WIDTH OF THE PARCEL. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 9' TO 12' +/- AND A LENGTH OF APPROXIMATELY 85' +/-. INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

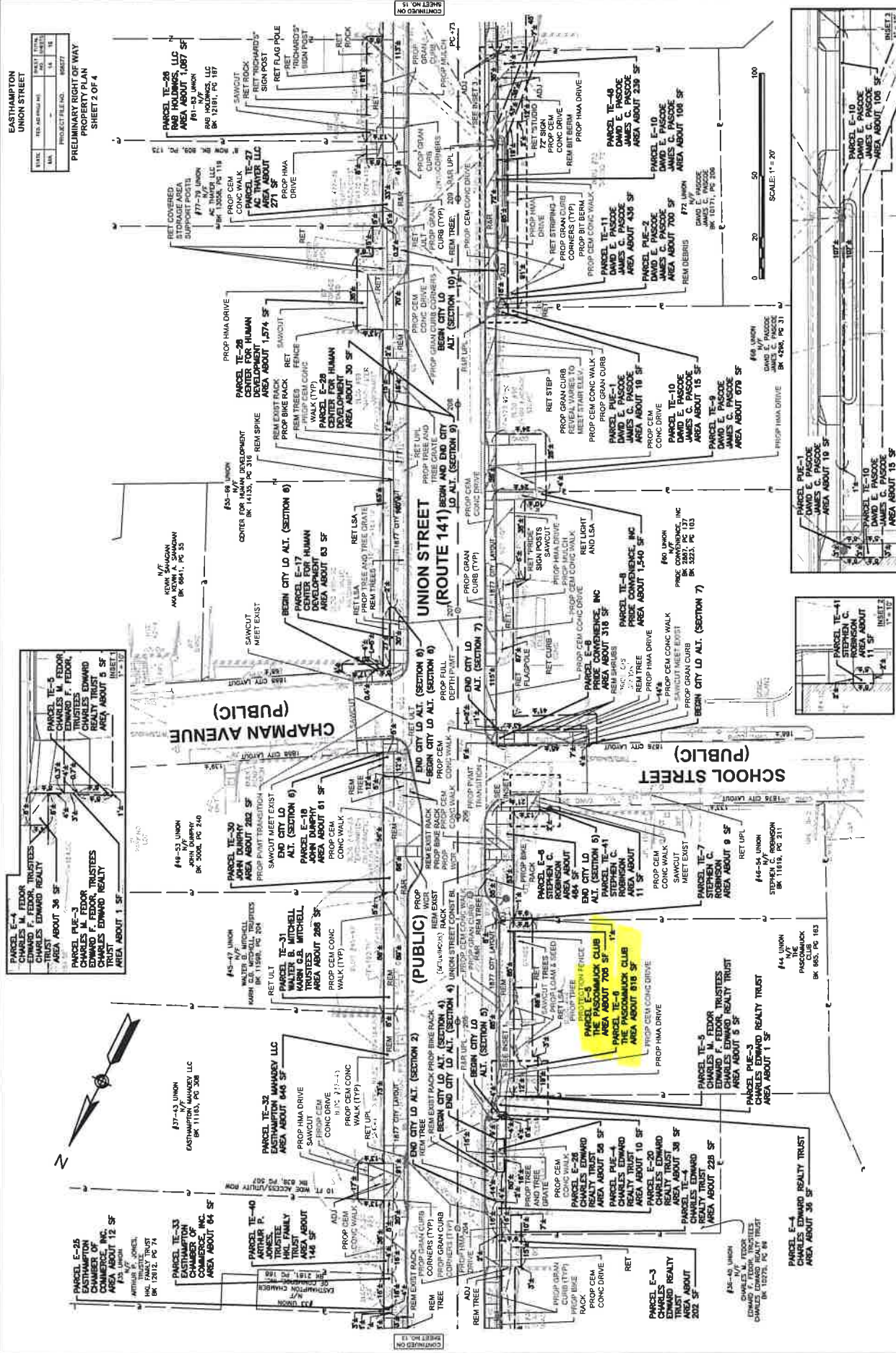
- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state): None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$11,730**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$11,730**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

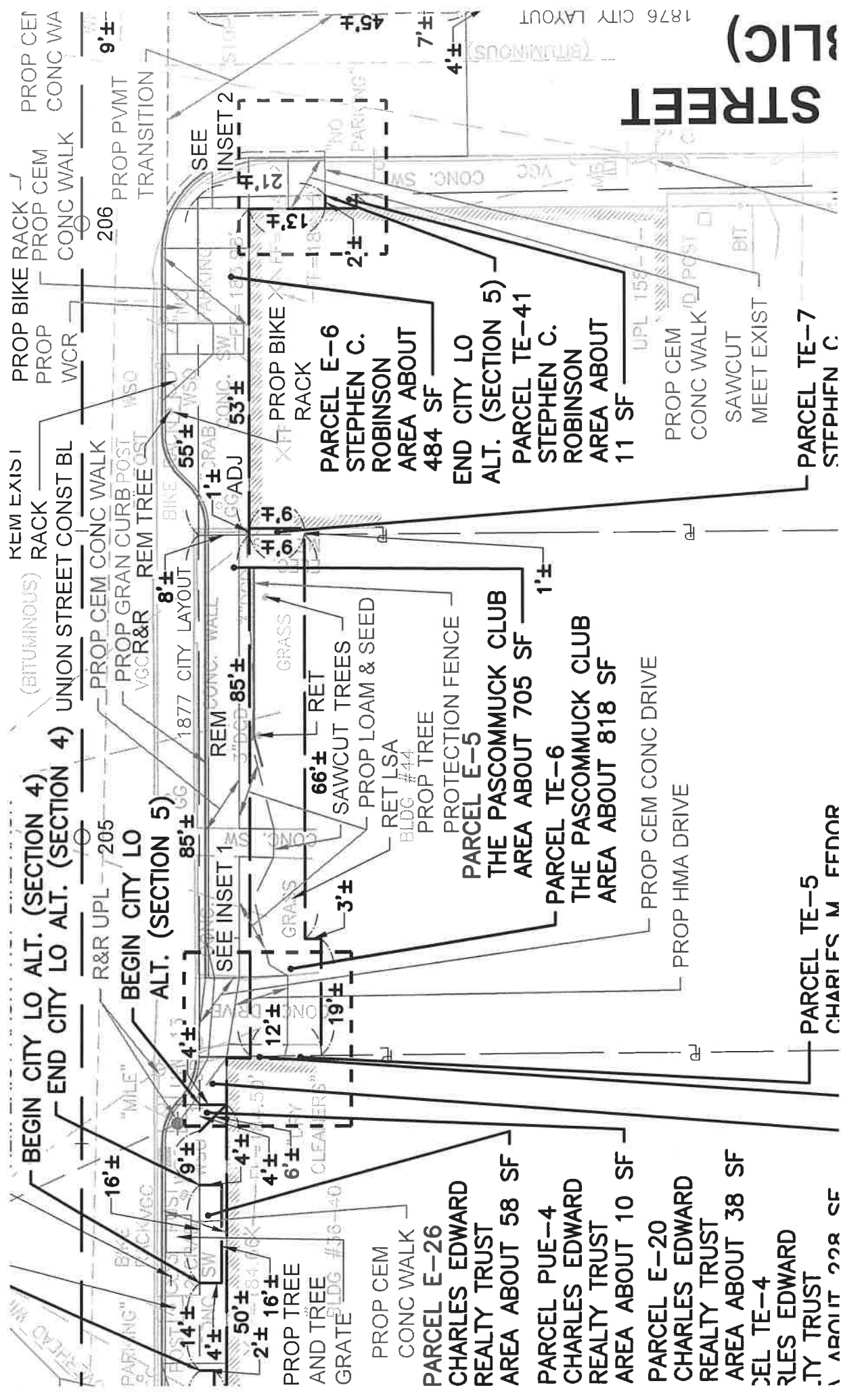
STATE	REQ. ACID PROG. NO.	SMALL AND	TOTAL COUNT
ARK	-	14	16

PROJECT FILE NO. 004577

EASTHAMPTON
UNION STREET

**PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 2 OF 4**

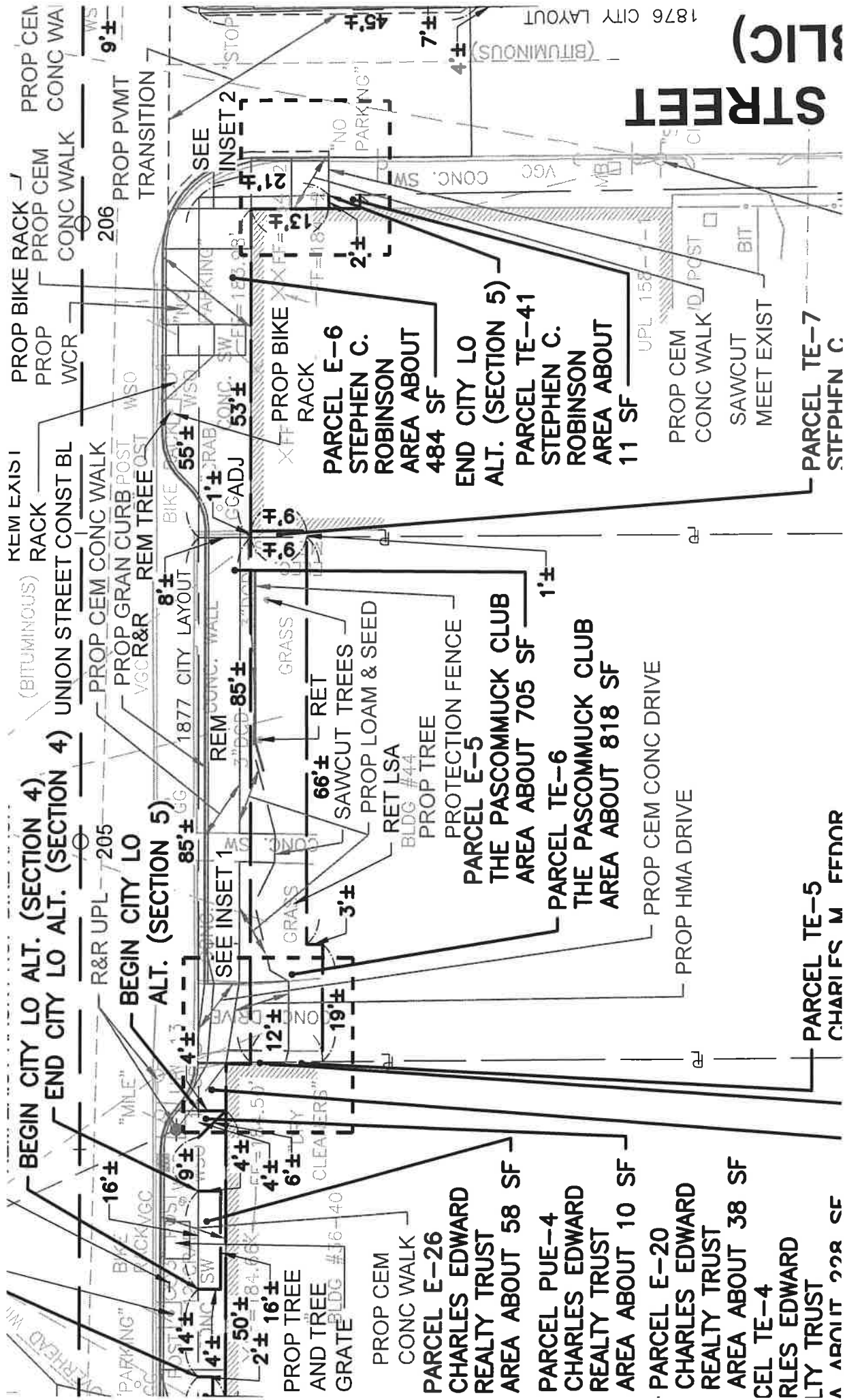




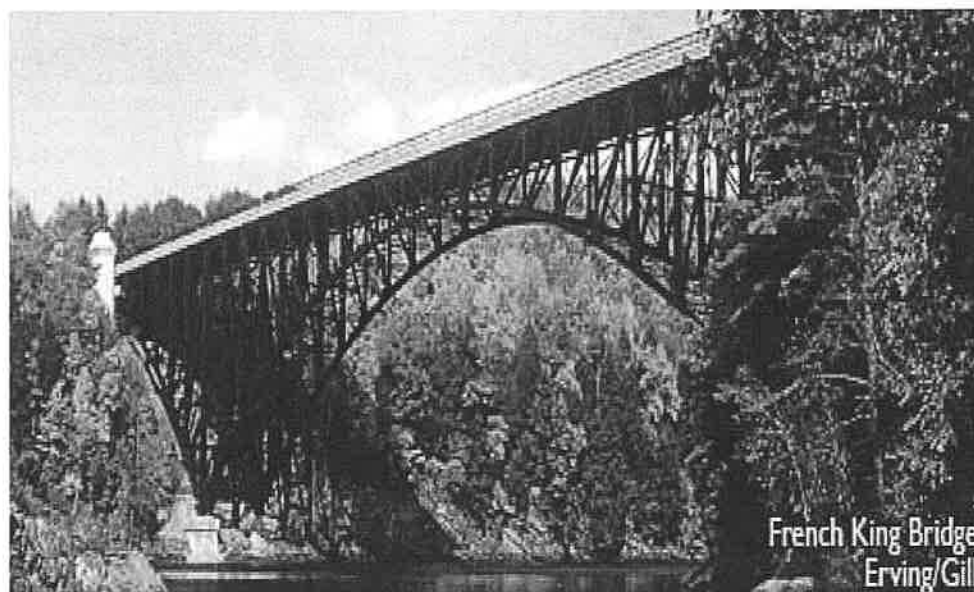
1876 CITY LAYOUT

STREET

(BLIC)



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
All Owners of Records must sign

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

Via Certified Mail Return Receipt Requested

THE SOUTHLAND CORPORATION
P.O. BOX 711
DALLAS, TX 75221

Re: Union Street Reconstruction Project: Project #608577 ("Project")
Parcel ID: TE-23 ("Parcel ID")
Property Address: 101 UNION STREET ("Property")

Dear Resident:

As you are aware, the City of Easthampton ("City") is reconstructing portions of Union Street. As part of this Project, it is necessary for the City to acquire an easement over your Property. This letter is the City's Written Offer to acquire an **Temporary Construction Easement (5 Years)** (collectively "Easement") over your Property. This Easement does not include the taking of buildings, but does include improvements located within the Easement area. The Easement area is the area depicted on the enclosed portion of the "Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans" and is a portion of the Property. Each Easement over the Property is assigned a particular Parcel ID Number as referenced above. A complete plan package and full size plan depicting the Easement area by Parcel ID and the Property are available for review at City Hall in the City Engineer's Office and on the City's website:

https://www.easthamptonma.gov/DocumentCenter/View/2889/003_608577_Preliminary-ROW-PSE-3

The City's approved Offer of Fair Compensation for the Easement is \$1,950.00 ("Offer").

The Offer is based on an appraisal performed on **October 18, 2021** by Crowley & Associates, a certified General Appraiser ("Appraisal"). The Appraisal was reviewed by a certified general review appraiser to assure you received Just Compensation for the Easement to be taken.

The Offer, as detailed in the Appraisal is: (1) based on the fair market value of the Easement to be taken; (2) is not less than the appraised value of the Easement to be taken; and (3) disregards any

increase or decrease in fair market value of the Easement or Property caused by the Project for which the Easement is acquired.

Included with this Offer is a copy of the Just Compensation Report, Portion of the Massachusetts Department of Transportation Highway Division Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans, Federal Aid Acquisition Guide for Property Owners, which outlines the acquisition process, and Certificate of Donation.

Although the City prepared this Appraisal in order to offer Just Compensation, you also have the opportunity to donate the Easement. If you wish to donate the Easement please contact City Planner Jeffrey Bagg at jbagg@easthamptonma.gov and he will prepare a Certificate of Donation for your signature.

Please do not hesitate to contact me if you have any questions or concerns as you consider this Offer. The City Council will vote the award of damages at a meeting to occur on **January 19, 2022**, a date not sooner than thirty (30) days from the date you receive this Offer Letter. The City Council's meeting agendas are posted on the City's website: <https://easthamptonma.gov>.

We will be happy to discuss your concerns up to the time of, and during the City Council meeting.

Sincerely,



Nicole LaChapelle, Mayor

Enclosures:

Just Compensation Report

Portion of:

Massachusetts Department of Transportation Highway Division
Plan and Profile of Union Street in the City of Easthampton Hampshire County Preliminary Right of Way Plans

Federal Acquisition Guide for Property Owners

Certificate of Donation



CITY OF EASTHAMPTON • MASSACHUSETTS
OFFICE OF THE MAYOR
Nicole LaChapelle

December 9, 2021

JUST COMPENSATION REPORT

Information included in this Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

OWNER'S NAME:

7-ELEVEN, INC./THE SOUTHLAND
CORPORATION

MAILING ADDRESS:

Tax Dept. P.O. Box 711, Dallas, TX 75221-0711

CITY/TOWN:

Easthampton, MA

F.A. PROJECT NO.:

N/A

PROJECT FILE #:

608577

PROPERTY LOCATION:

101 Union Street, Easthampton, MA 01027

ASSESSOR'S IDENTIFICATION:

53-18

PROPERTY DESCRIPTION:

Single parcel of Downtown Business District (DB) zoned land which contains approximately 13,504 square feet or 0.31 acres which, according to Assessor's records, is vacant and improved as an asphalt paved and lined parking lot.

PARCEL NO. (S)

AREA(S)

INTEREST(S) ACQUIRED

PARCEL ID	AREA AFFECTED	PLAN ID	DESCRIPTION OF THE EASEMENT AND INTEREST ACQUIRED
53-18	723 SF	TE-23	GENERALLY RECTANGULAR SHAPED PIECE OF LAND LOCATED ON THE EASTERLY SIDE OF UNION STREET ALONG THE FRONTAGE. THE EASEMENT HAS A DEPTH OF APPROXIMATELY 10' +/- AND A LENGTH OF APPROXIMATELY 71' +/-.
			INTEREST ACQUIRED: TEMPORARY CONSTRUCTION EASEMENT (5 YEARS)

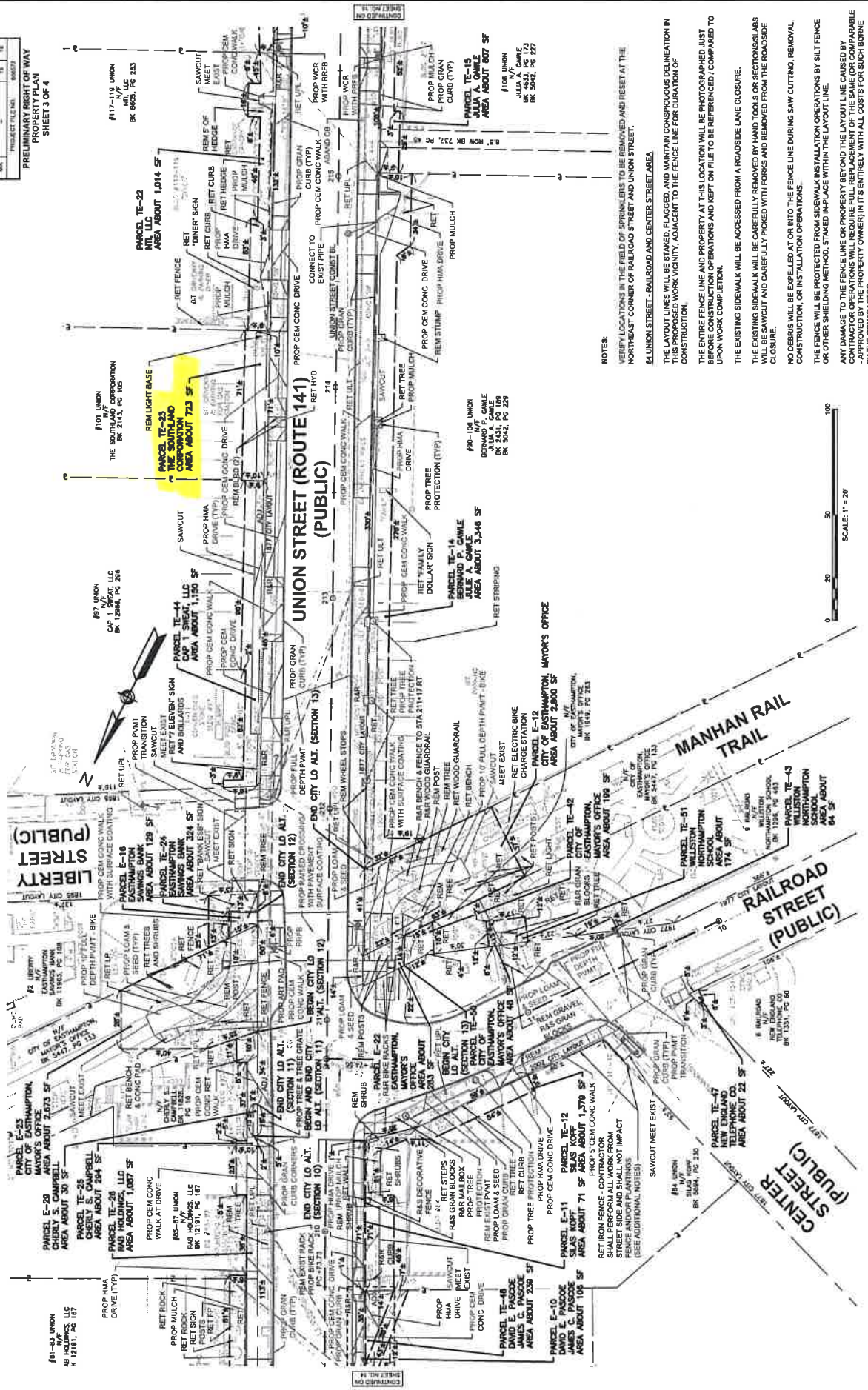
**JUST COMPENSATION
RESTRICTED REPORT
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state): None
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state): Not Eligible
- (5) The Appraisers' determination of Just Compensation is based on the following:
 - (A) The Market Value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$1,950**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) Final estimate of value: **\$1,950**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

EASTHAMPTON
UNION STREET

DATE	12/14/2017
BY	JWP/PCP/PL/DMO
PROJECT FILE NO.	060777
SHEET NO.	18
TOTAL SHEETS	23

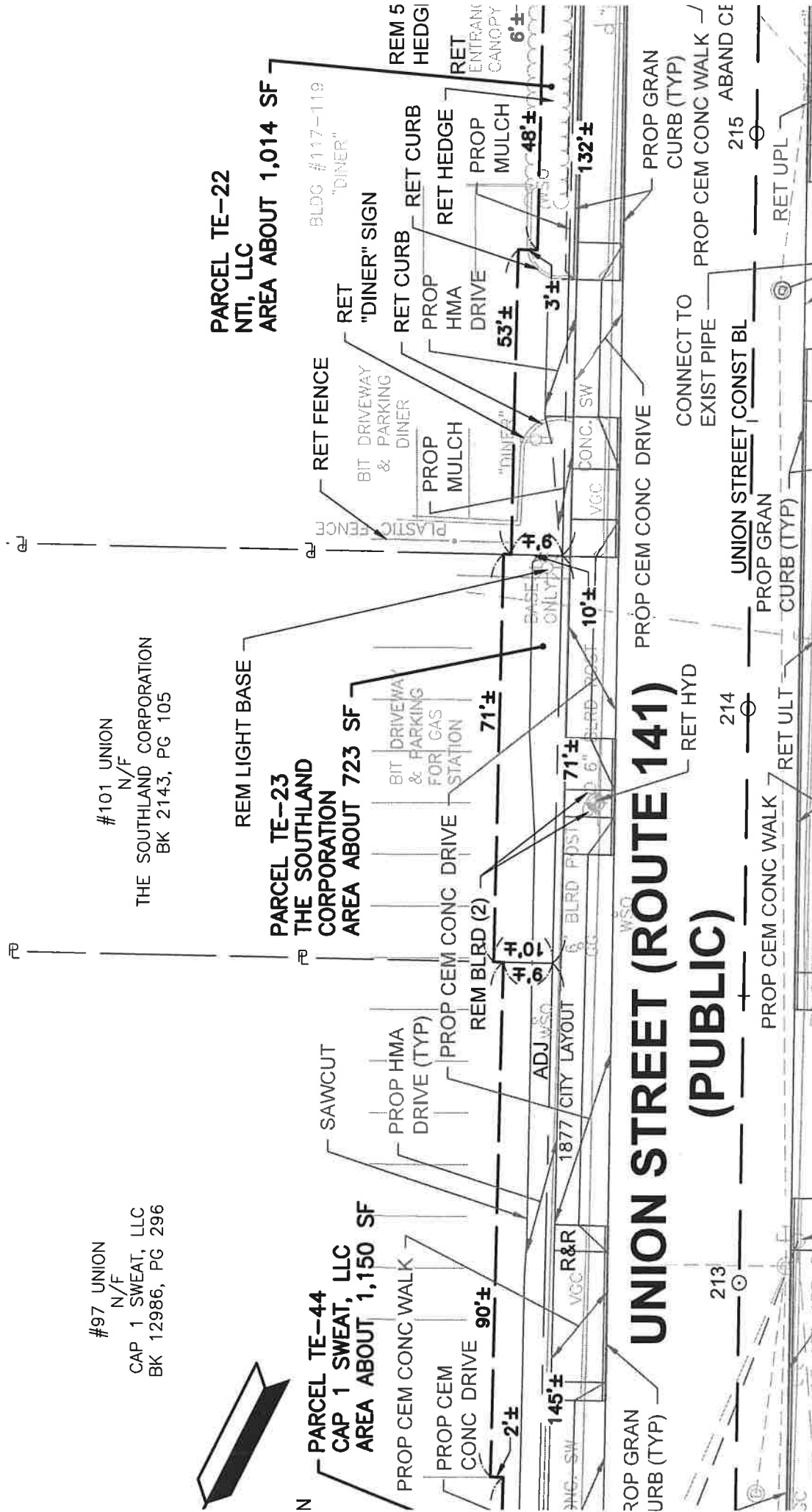
PRELIMINARY RIGHT OF WAY
PROPERTY PLAN
SHEET 3 OF 4



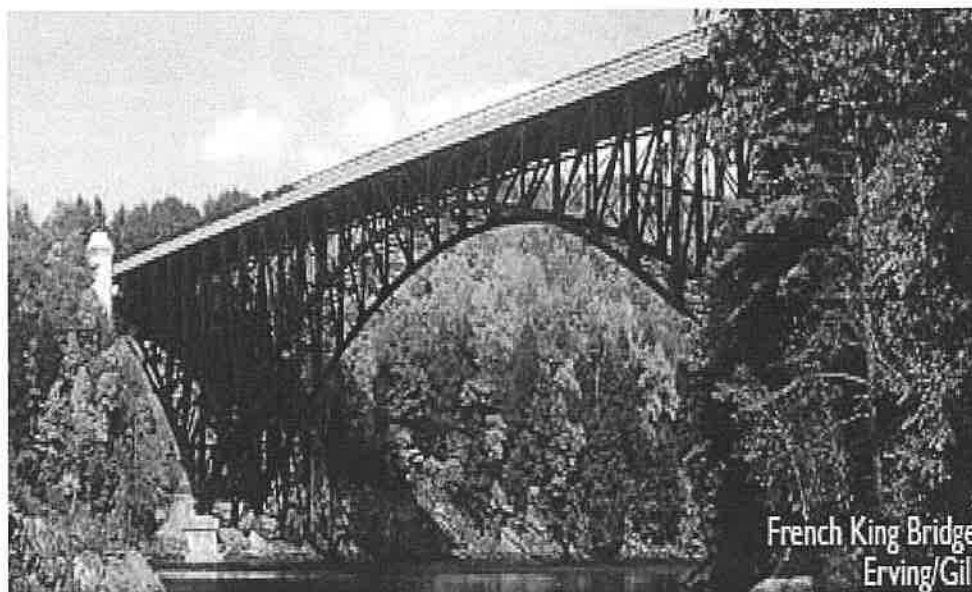
NOTES:

- VERIFY LOCATIONS IN THE FIELD OF SPRINKLERS TO BE REMOVED AND RESET AT THE NORTHEAST CORNER OF RAILROAD STREET AND UNION STREET.
- ALL UNION STREET - RAILROAD AND CENTER STREET AREA
- THE LAYOUT LINES WILL BE STAKED, FLAGGED AND MAINTAIN CONSPICUOUS DELINEATION IN THE FIELD OF WORK VICINITY, ADJACENT TO THE FENCE LINE FOR DURATION OF CONSTRUCTION.
- THE ENTIRE FENCE LINE AND PROPERTY AT THIS LOCATION WILL BE PHOTOGRAPHED JUST PRIOR TO CONSTRUCTION AND OPERATIONS AND KEPT ON FILE TO BE REFERENCED/COMPARED TO UPON WORK COMPLETION.
- THE EXISTING SIDEWALK WILL BE ACCESSIBLE FROM A ROADSIDE LANE CLOSURE.
- THE EXISTING SIDEWALK WILL BE CAREFULLY REMOVED BY HAND TOOLS OR SECTIONS/LABS WILL BE SAWCUT AND CAREFULLY PICKED UP FORKS AND REMOVED FROM THE ROADSIDE CLOSURE.
- NO DEBRIS WILL BE INSTALLED AT OR INTO THE FENCE LINE DURING SAW CUTTING, REMOVAL, CONSTRUCTION, OR INSTALLATION OPERATIONS.
- THE FENCE WILL BE METHODICALLY STAKED WITHIN THE LAYOUT LINE.
- OR OTHER SHIELDING METHOD, STAKED IN PLACE WITHIN THE LAYOUT LINE.
- ANY DAMAGE TO THE FENCE LINE OR PROPERTY BEYOND THE LAYOUT LINE CAUSED BY CONSTRUCTION OR OPERATION OF THE FENCE LINE WILL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- APPROVED BY THE PROPERTY OWNER IN ITS ENTIRETY WITH ALL COSTS FOR SUCH BORNE BY THE CONTRACTOR.





FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

FREQUENTLY ASKED QUESTIONS

How will owners be contacted?

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

How and when will impacted properties be acquired?

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

When can I expect payment?

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

How much will payment be?

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

What if the property owner is not satisfied with the amount of payment?

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

How soon will a project begin?

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/leqreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.